

**Agenda****Environmental Protection  
Commission**

June 21, 1999

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

**Public Participation**

10:30 A.M.

~~Appointment: Rick Robinson, Farm Bureau (update on grants)~~~~11:00 A.M.~~**Agenda topics**

1. Approve Agenda
2. Approve Minutes of May 17, 1999
3. Director's Report Paul Johnson
4. Contract Approval - Ervin and Rosebar Waste Tire Stockpile Abatement Projects Roya Stanley (**Decision**)
5. Household Hazardous Materials Education Grant Selections Roya Stanley (Information)
6. Fall Toxic Cleanup Days Roya Stanley (Information)
7. Toxic Cleanup Day Service Contract Amendment - Safety Kleen Roya Stanley (**Decision**)
8. Household Hazardous Materials Programs Advisory Committee Roya Stanley (Information)
9. Monthly Reports Mike Valde (Information)
10. Registry of Hazardous Waste or Hazardous Substance Disposal Sites and Hazardous Waste Remedial Fund Annual Report Mike Valde (Information)
11. Agreement with Department of Economic Development - Small Business Liaison for Air Quality Affairs Mike Valde (**Decision**)
12. Interagency Agreement - Linn County Air Quality Program Mike Valde (**Decision**)

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13.	Interagency Agreement with University of Iowa Hygienic Lab - Air Quality	Mike Valde (Decision)
14.	Emergency Rule and Notice of Intended Action--Chapter 135, UST's - (MTBE analyzing requirements)	Mike Valde (Decision)
15.	Agreement with Iowa Waste Reduction Center - Iowa Air Emission Assistance Program	Mike Valde (Decision)
16.	Referrals to the Attorney General <ul style="list-style-type: none"><li>a) Spillway Supper Club (Harpers Ferry)</li><li>b) Markley Knock, dba Knock Building Supply (Parkersburg)</li><li>c) Ray Stamper &amp; Bryan Zenor (Des Moines)</li></ul>	Mike Murphy (Decision)
17.	USGS Hypoxia Study	Lyle Asell (Information)
18.	General Discussion	
19.	Address Items for Next Meeting	
Next Meeting Dates		
July 19, 1999		
August 16, 1999		
September 20, 1999		

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, June 21, 1999

NAME (PLEASE PRINT)	COMPANY OR AGENCY	CITY
Scott Dochterman	Fort Dodge Messenger	Fort Dodge
Brooke Simmons	Des Moines Water Works	Des Moines
DAN VEST	GROWMARK, INC	Bloomington, IL
JANE McALLISTER	AHLERS LAW	DSM
Lee Friell	Hygienic Lab	DSM
Deb Kozul	LFB	
Theresa Kehoe	IA Senate	DSM
Linda Kyg	IDED	DSM
Steve Peyser	NFA	Ames
Tom Anderson	DNR	DSM
Andrea Fogue	IA League of Cities	DSM
Linda Korman	IAWA	DSM

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File Name. ADM-1-1-1 EPC  
Sectore Initials JS Meeting

June 1999

CN AUG 1999

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**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**JUNE 21, 1999**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**



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**MEETING MINUTES****CALL TO ORDER**

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, June 21, 1999, in the Wallace State Office Building, Des Moines, Iowa.

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**MEMBERS PRESENT**

James Braun  
Elizabeth Christiansen  
William Ehm, Chair  
Randal Giannetto  
Rozanne King, Secretary  
Kathryn Murphy  
Gary Priebe  
Terrance Townsend, Vice-Chair  
Rita Venner

**ADOPTION OF AGENDA**

The following adjustments were made to the agenda:

- Delete: Appointment - Rick Robinson, Farm Bureau 11:00 a.m.

Chairman Ehm stated that Rick Robinson will not be present for the 11:00 a.m. appointment and it should be deleted from the agenda. He related that Mr. Robinson will reschedule the appointment for a future meeting.

*Motion was made by Rita Venner to approve the agenda as amended. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS AMENDED**

**APPROVAL OF MINUTES**

Rozanne King noted an editorial correction to be made on page 67 stating that the ALJ Decision was upheld, rather than reversed by the judge.

*Motion was made by Rozanne King to approve the meeting minutes of May 17, 1999, as amended. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS AMENDED**



## **DIRECTOR'S REMARKS**

Paul Johnson, Director, stated that water quality is a major issue these days and he spoke about the many ways water impacts all of us. He related that he will have a meeting with EPA next week to discuss TMDL issues. He noted that since the last meeting a hypoxia report on the Gulf of Mexico has been issued which ties some of the responsibility back into the corn belt. He added that the D.M. Register is doing a series of articles on water quality at the beaches and lakes, and within the next few weeks an ISU study on lagoons will come out. Director Johnson stressed that he has water quality issues high on his priority of things to address. He spoke of the many good things that are going on in the state since the last major water quality effort ten years ago. He noted that Iowa leads the nation in applying buffers to rivers and streams as well as leading the midwest in wetlands restoration. Director Johnson stated that it is time to take a look at additional things that can be done and he is going to propose to the Governor that the state look at a major water quality initiative for the next year. He encouraged the Commission to think about these issues as the department looks ahead to the next legislative session, adding that he wants the Commission to be a part of that.

## **CONTRACT APPROVAL - ERVIN AND ROSEBAR WASTE TIRE STOCKPILE ABATEMENT PROJECTS**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

### **Project Description**

The Commission is requested to review and consider approval of the two attached contracts for the removal, processing, and recycling of tires from the following stockpiles:

Stockpile Site	Location	Estimated Number of tires	Recommended Contractor	Contract Value
Ervin Stockpile	Otho (Webster Co.)	3,000,000	Greenman Technologies of Minnesota	\$2,218,500
Rosebar Stockpile	Vinton and Garrison (Benton Co.)	400,000	UT Tire Recyclers, Des Moines	\$338,000

These contracts implement the goals of Iowa Administrative Code Chapter 218, "Waste Tire Stockpile Abatement Program," to abate waste tire stockpiles that pose a nuisance to the environment, or to public health, safety or welfare, through awarding of contracts by the department.

The Waste Management Assistance Division issued a request for proposal (RFP) in May of 1999 to solicit services from qualified firms for these two stockpile abatement projects. A summary of the bidding and selection process for each project is as follows:

### **ERVIN STOCKPILE PROPOSAL REVIEW AND SELECTION**

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A total of five (5) bidders responded to the Ervin RFP:

- Jackson Creek Enterprises, Allerton, Iowa
- Greenman Technologies of Minnesota - Savage, Minnesota
- Tire Solutions West, Lancaster, California
- Tri-State Environmental - St. Louis, Missouri
- UT Tire Recyclers - Des Moines, Iowa

A review team composed of two Waste Management Assistance Division staff and an individual from the Department of Economic Development reviewed each of the proposals. The selection process was constructed with a 100 point evaluation scale, with 40 possible points based on the price competitiveness of the bid, and 60 possible points determined from the bidders' qualifications, references, and evidence of valued-added end markets for all tires to be processed through the project. Greenman Technologies received the highest overall score on the Ervin stockpile project, with 87.6 points of 100.

A summary of review scores for all bidders on the Ervin and Rosebar projects are listed below, as well as background on the selected contractor.

### **ERVIN BID REVIEW SCORE SUMMARY**

<b>Bidder</b>	<b>Price Per Ton</b>	<b>Method of Processing</b>	<b>End-Market</b>	<b>Score</b>
Greenman Technologies Savage, MN	\$73.95	Load whole tires, haul back to processing plant	Contracts and purchase orders from power plants for tire- derived fuel	87.6
UT Tire Des Moines	\$72.50	Load whole tires, haul back to processing plant	Letters of intent from Holnam Cement and purchase order from U of I for tire-derived fuel	74.3
Jackson Creek Enterprises	\$79.00	Shred tires on site	Letters of interest only from tire-derived fuel users	47.3
Tire Solutions West	\$128.00	Shred tires on site	Letters of intent from Waste Recovery of Illinois for tire fuel	27

Tri-Rinse St. Louis, MO	\$125.35	Shred tires on site	ADM, Decatur, Illinois for TDF - general letter of acceptance by end-user	26
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### **Selected Bidder**

Greenman Technologies of Minnesota received the highest review score (87.6 out of 100 points), and was selected as the recommended contractor for this project. ~~Greenman Technologies, Inc.~~ is a licensed and bonded waste tire processing firm based in Savage, Minnesota. The Department recommends selection of this contractor based upon the following factors:

- The contractor has over 10 years of experience in the waste tire processing industry, recycling over 8 million waste tires per year (Iowa generates a total of 3 million annually).
- The contractor has successfully completed other stockpile abatement projects throughout the Midwest, including sites with over 1 million tires.
- The contractor has definitive contracts and purchase orders to supply Wisconsin Power and Light, and OtterTail Power Company, Millbank, South Dakota, with tire-derived fuel (TDF) from the waste tires processed through this project.
- The contractor will remove all waste tires from the project site within the shortest time frame of any proposal – more than 5 months sooner than any other bidder.

### **Summary of Work to be Provided**

- The contractor will begin work at the site by July 1, 1999; the contractor estimates completion of the work by October 1, 2000 (9 months ahead of the required completion date of July 1, 2001).
- The contractor will load the whole waste tires at the site onto trucks, and then transport them to their recycling facility in Savage, Minnesota for processing.
- Waste tires processed through this contract will be converted into tire-derived fuel, and used as a fuel supplement at power generating plants throughout the Midwest.

### **History of the Ervin Stockpile**

- Midwest Research and Recycling, Inc., a waste tire hauling and storage operation owned by Mr. Donald Ervin, operated the site between 1989 and 1994.
- No significant processing or market operations were developed, and it is estimated that up to 3,000,000 waste tires remain from the defunct operation.

- The property was leased by the operation from the site owner, Mrs. Judy Mallinger, of Ft. Dodge. Mr. Ervin became delinquent in payments to Mrs. Mallinger and defaulted on his lease contract; she retains the deed for the site today. Mrs. Mallinger was not part of the tire operation, nor did she profit from the waste tires collected and disposed of on her property.
- The Department issued notices of violation and administrative orders requiring the operation to attain compliance with solid waste storage regulations. Compliance with these requirements was never met.
- The Iowa Attorney General's Office has prosecuted Mr. Ervin and has levied fines and penalties totaling \$1 million. However, Mr. Ervin has not paid the fine to date, and has served a jail sentence for his contempt of court.
- Mrs. Mallinger has agreed to never again allow the storage of any waste tires on her property so long as she has ownership or a financial interest in the property. Upon the Department's completion of the work, she has also agreed to restore the site through proper erosion control, grading, and vegetative restoration.

## ROSEBAR STOCKPILE PROPOSAL REVIEW AND SELECTION

A total of two (2) bidders responded to the Rosebar RFP:

- Greenman Technologies of Minnesota - Savage, Minnesota
- UT Tire Recyclers - Des Moines, Iowa

## ROSEBAR BID REVIEW SCORE SUMMARY

Bidder	Price Per Ton	Method of Processing	End-Market	Score
Greenman Technologies Savage, MN	\$84.30	Load whole tires, haul back to processing plant	Contracts and purchase orders from power plants for tire-derived fuel	89.6
UT Tire Des Moines	\$84.50	Load whole tires, haul back to processing plant	Letters of intent from Holnam Cement and purchase order from U of I for tire-derived fuel	82.6

### Selected Bidder

The recommended contractor for this project is UT Tire of Des Moines. While UT did not have the highest score in the evaluation phase, they have been recommended based on the following considerations:

- Neither UT Tire or Greenman Technologies had made contingencies in their proposals for additional equipment or manpower in the event that they were the preferred contractor for both projects. Awarding of one contract to each firm will avoid any potential conflicts with ~~equipment and manpower scheduling.~~
- UT Tire's overall score was within 7 points of Greenman's score. This point difference was primarily due to the fact that Greenman had listed more definitive contracts and purchase agreements for end-use products; however, the Department is aware that UT Tire has had success in marketing tire-derived fuel to Holnam Cement over the last five years, although an ongoing contract has not been issued. UT Tire does have a purchase order agreement with the University of Iowa power plant, which will account for 50% of the tires to be recovered.
- UT Tire's past performance shows that the tires to be recovered from the Rosebar site would equal only 23% of their annual processing capacity. As such, this job would allow the firm an opportunity to expand, yet would be in accordance with their known capabilities.
- UT Tire has successfully completed stockpile cleanup projects containing up to 250,000 waste tires.

#### **Summary of Work to be Provided**

- The contract requires the work to begin by June 25, 1999, and the project must be completed by October 15, 1999.
- The contractor is required to process an average of 115,000 tires per month in order to meet the compliance schedule.
- The contractor will load the whole waste tires, tire bales, and shredded tire material that can be recovered onto trucks, and then transport them to their recycling facility in Des Moines for processing.
- Waste tires processed through this contract will be converted into tire-derived fuel, and used as a fuel supplement for Holnam Cement, Mason City, and the University of Iowa's power plant.

#### **History of the Rosebar Stockpile**

- Owners Eleanor Kaiser and Barbara Merchant opened Rosebar in 1990. The Department awarded a \$365,000 grant for equipment and start up costs.

- Rosebar shredded tires between 1990 and 1993, and explored a variety of tire-derived fuel markets. The finished product did not meet the quality standards of the end-users and operations were suspended.
- Rosebar was cited by the Department for violations relating to excess storage of waste tires between 1991 and 1993. Many of the violations were rectified; some were not.
- In 1994 Mr. Dan Schwitters obtained ownership of the company. Mr. Schwitters continued to explore markets for shredded tires, and also began to compact tires into "bales" for potential uses.
- Further complications and lack of markets for the tire bales continued to hamper the operation between 1994 and 1997. Additional notices of violation were issued by the Department. The Department provided \$50,000 to Rosebar from the waste tire fund to assist them in meeting compliance.
- In 1998 the operation discontinued. Mr. Schwitters was then issued an administrative order and a \$10,000 fine for failing to meet compliance requirements.
- As of May 1999, Mr. Schwitters has agreed to pay \$50,000 to the City of Vinton for costs they will incur in assisting him with disposal of non-recyclable tire debris and waste on the site. In acknowledgment of Mr. Schwitters agreement, the Department agrees to remove and recycle the remaining whole tires and tire bales; the \$10,000 fine is also rescinded. This cooperation will allow final closure of the site and remediation of the previous compliance issues.

The commission's review and potential approval of these contracts will allow the Department to mitigate two of the State's largest and most controversial nuisance stockpiles. The recommended contractors have the capabilities to complete the work in an economical and timely manner.

(A copy of each contract is on file in the department's Records Center)

Ms. Stanley reviewed details of the contracts. She introduced a staff member, Mel Pins, and related that he would speak about the waste tire cleanup.

Mel Pins gave a brief overview on the status of waste tires in Iowa. He distributed a map pinpointing where various sizes of tire piles have been cleaned up across the state and the location of remaining sites to be cleaned up.

Ms. Stanley noted that in choosing a company to do the stock pile cleanup, staff not only looks at the low bid but also at qualifications, performance capabilities, references and evidence of end markets. She related that neither Greenman Technologies nor UT Tire addressed how they would handle both contracts, so the department did not choose one of them to do both contracts. She stated that the law does not restrict the contracts to Iowa firms.

Discussion followed regarding a company handling more than one contract; life span of landfills; percentage of mix at ISU; and end markets.

Gary Priebe distributed copies of a letter from Senator Mike McCormack relating that fairness must be the cornerstone of the bidding process. In his letter he urged the Commission to strongly review the recommendation from staff to not accept the low bid and instead award it to an out of state firm.

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Commissioner Priebe expressed concern that the department gave grants to an Iowa company to get their business started, and that company has the low bid, and now they are being by-passed as the contract goes to an out-of-state company.

Ms. Stanley stated that she empathizes with the desire to build Iowa firms. She further explained that the law does not give specific latitude to provide preference to Iowa firms and expanded on the reasons for going with Greenman Technologies to clean up the tire pile in Otho. She noted that the Department is recommending awarding clean up of the site in Vinton to UT Tire Company.

Gary Priebe stated that for future bids the department should look at UT Tire Co. and try to give Iowa companies Iowa dollars, so they can be successful.

Further discussion took place regarding the gravel, dirt, rocks weight and the rates per ton; rules for bales; and projections of when all of the sites will be cleaned up.

*Motion was made by Kathryn Murphy to approve the contracts with Greenman Technologies and UT Tire Recyclers for cleanup of the Don Ervin and Rosebar waste tire stockpiles, as presented. Seconded by Liz Christiansen.*

*Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners King, Murphy, Townsend, Venner, Braun, Christiansen, Giannetto, and Ehm. "Nay" vote was cast by Commissioner Priebe. Motion carried on a vote of 8-Aye to 1-Nay*

**APPROVED AS PRESENTED**

## **PUBLIC PARTICIPATION**

### **Brooke Timmons - Des Moines Water Works**

Brooke Timmons, Des Moines Water Works, stated that on behalf of L.D. McMullen and the Des Moines Water Works she would like to extend an invitation to the Commission to tour their aquifer storage and recovery site. She stated that they would like to do the tour on the morning of the next EPC meeting and the water works would provide transportation to and from the site.

**Steve Veysey**

Steve Veysey, representing Hawkeye Fly Fishing Association, distributed a map showing French Creek trout stream and Wildlife Management Area. He stated that French Creek is the best trout stream in Iowa and DNR has invested heavily in the area. He spoke of DNR's efforts to establish brook trout and in order to avoid a potential environmental disaster they decided to relocate them to a few other sites in Iowa. Mr. Veysey noted that Murphy Family Farms began operation of a 4,000 hog confinement in November 1998, and he pointed out the area on the map depicting where the manure will be surface applied. He related that it is a Karst geology area and there is an aquifer that flows freely under the topsoil. He noted that the feeder creek stream drains into French Creek and all of the manure will be spread to the French Creek watershed. Mr. Veysey stated that it is an environmental accident waiting to happen. He said he believes several violations have occurred in permitting the facility. He related that there was an obvious siting violation in relation to the nearest neighbor who is only 280 feet away, adding that at the time 750 feet was a requirement. He said he wanted to make the Commission aware of the situation, adding that it has been poorly sited and should be shut down.

Director Johnson stated that he is trying to get better coordination on all of the animal agriculture issues in the department and he has hired Wayne Gieselman to head up this effort. He related that at one time Wayne was the head of the floodplain section in the department as well as an engineer and also a Natural Resources Council Commissioner, and an EPC Commissioner. Wayne is from Morning Sun and has been a hog and grain farmer for the past 16 years.

Rita Venner noted that on all of the Murphy Family Farms in her area the manure is knifed in, and she asked if that is what will be done in the area Mr. Veysey is referring to.

Mr. Veysey replied that he has a copy of the manure management plan (MMP) and it states that the manure will be surface applied on this area. He related that the soil in this area averages 4-5 feet above bedrock and it is fractured dolomite which would allow infiltration, and over the years a total degradation of the stream. He noted that there is not a lot of leeway as to where it can be applied and many of the neighbors will not allow them to spread on their land.

James Braun commented that he would rather the MMP be based on the volume that could be applied to the land on nitrogen. He added that there are numbers of other ingredients in the manure including pathogens and bacteria that are unregulated. He stated that as a Commission charged with protecting the environment he feels that in the future the department will want to look at the other ingredients in the manure that is being applied. Commissioner Braun noted that with the MMP being based on nitrogen you can get a lot of phosphorus overloading on the soils, and numerous studies have now found that phosphorus moves through the soil as well as the nitrogen when it reaches a certain degree of concentration. He related that phosphorus will also affect French Creek in the future when it begins to leach through the soil because the algae blooms are a result of phosphorus overload in the water.



## HOUSEHOLD HAZARDOUS MATERIALS RETAILERS CONSUMER EDUCATION PROGRAM GRANT SELECTIONS

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

### Education Proposals Household Hazardous Materials

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Provided for your information is a summary of the Household Hazardous Materials Education grant proposals received and selected for funding. The Department received seven (7) household hazardous materials education proposals for review during the February 1999 round of funding.

#### Background

Two funding opportunities exist that address household hazardous materials education. The Household Hazardous Materials General Awareness Grant Program provides grants to educate Iowans on the hazardous nature of certain household products, proper use of the products, and the proper methods of disposal of residual product and containers in order to protect the public health, safety, and the environment. This Program requires a 50% local match. The Retailers Consumer Education Program provides grants to applicant agencies to assist retailers in complying with Iowa law and to educate consumers at the point of purchase on hazardous wastes generated in the household. Education will enable consumers to make more informed purchasing decisions. This Program has no local match requirement.

Waste Management Assistance Division staff conducted joint review of these proposals on March 16, 1999. Household Hazardous Materials funding notices were mailed to county board supervisors, council of governments, landfill operators, recycling coordinators, county boards of health, and county emergency management coordinators throughout Iowa.

#### Household Hazardous Materials General Awareness Grants

<b>Clinton County Solid Waste Agency</b>	<b>Award Amount:</b>	\$9,000
4292 220 <sup>th</sup> St.	<b>Local Share:</b>	\$9,000
Clinton Iowa 52733	<b>Contact:</b>	Charles Goddard
<b>Project Type:</b> General Awareness		319/243-4749

#### **Description:**

The project will focus a public education campaign to the agricultural community to increase awareness of the regional collection center, proper disposal of farm chemicals, and the pesticide container recycling program. This will be done through brochures, informational rain gauges or thermometers, newspaper pieces and radio advertising. This project will also build upon a 1-800 answer line for hazardous material related questions, informational website, and assist with education coordinator wages. The Contractor will monitor the program by tracking the amount of agricultural materials and pesticide containers received at the regional collection center, the number of calls received and the number of "hits" on the website.

#### **Program Partners:**

- Cedar County Solid Waste Commission
- Jackson County Sanitary Disposal Agency
- Jones County Solid Waste Management Commission
- Iowa State University Extension
- Farm Bureau
- Farm Service Agency
- Local agribusiness

<b>Dubuque Regional Collection Center Partnership</b>	<b>Award Amount</b>	\$6,250
925 Kerper Blvd.	<b>Local Share:</b>	\$6,376
Dubuque Iowa 52001	<b>Contact:</b>	Mary Lou McQuaide
<b>Project Type:</b> General Awareness		319/589-1720

**Description:**

The Contractor will mail a 9"x 6" postcard to all residents and business in Dubuque and Fayette Counties to promote awareness of household hazardous materials and the regional collection center. The postcard will provide information on home management options for some household hazardous materials and services that the regional collection center provides. The Contractor will monitor success of this project by tracking the increase in the amount of hazardous materials brought to the regional collection center, the number of home management contacts diverting materials from the center, and the number of general inquiries received.

**Program Partners:**

- University of Dubuque
- Dubuque County Environmental Task Force

Dubuque Regional Collection Center Partnership	<b>Award Amount:</b>	\$4,660
925 Kerper Blvd.	<b>Local Share:</b>	\$5,625
Dubuque Iowa 52001	<b>Contact:</b>	Mary Lou McQuaide
<b>Project Type:</b> General Awareness		319/589-1720

**Description:**

This project will involve coordinating volunteers to stencil storm sewer intakes in Dubuque County, beginning in the City of Dubuque and covering the rest of the County within three years. The Contractor will provide community educational programs on proper disposal of household hazardous materials and the link between storm sewers, pesticide runoff, and improper disposal of household hazardous materials on water quality. The goal of this project is to increase public environmental awareness and increase participation in proper disposal options offered citizens in Dubuque County. Students will conduct baseline and post project water tests of the storm drain outlets as a measure the effectiveness of the stenciling project. The storm sewer labeling project will become an exhibit at the River Discovery Center Museum.

**Program Partners:**

- Mississippi River Museum

- City of Dubuque
  - Catfish Creek Coalition
  - Boy and Girl Scouts
  - Hillcrest Family Services
  - Junior Achievement
  - Wahlert High School
  - Retired Senior Volunteer Program
  - Holy Ghost School
- 
- Girls Club
  - Loras College
  - Clarke College
  - University of Dubuque

<b>Louisa County Conservation Board</b>	<b>Award Amount:</b>	<b>\$8,906</b>
609 James L. Hodges Ave.	<b>Local Share:</b>	<b>\$9,266</b>
Wapello Iowa 52653	<b>Contact:</b>	Deb Krohn and Jim Rudisill
<b>Project Type:</b> General Awareness		319/523-8381

**Description:**

This project will have students measure the level of household hazardous material components in the water entering and exiting several types of water treatment facilities (septic system, lagoon and constructed wetland based system) within the county. This will provide information on household hazardous material usage, the quality of wastewater entering the various treatment systems and what type of wastewater treatment facility is most effective in removing toxins from the water. The Contractor will monitor animal populations at each of the wastewater treatment sites to investigate any correlation with water quality. A household hazardous materials education series focusing on identification, associated health concerns, impact on water quality and animal populations will be developed and presented in schools, to teachers, and to community organizations. Household hazardous reference materials will be provided to libraries located in the county.

**Program Partners:**

- Louisa County Solid Waste Commission
- Four public libraries
- All schools within the county

<b>Union County Landfill Commission</b>	<b>Award Amount:</b>	<b>\$2,410</b>
Union County Courthouse	<b>Local Match:</b>	<b>\$2,413</b>
300 N. Pine	<b>Contact:</b>	Leslie Bullock Goldsmith
Creston IA 50801		515/782-9419
<b>Project Type:</b> General Awareness		

**Description:**

The applicant will purchase an EnviroScape II Unit with a Hazardous Materials Add-on to educate the public in Taylor, Adams, and Union counties about household hazardous materials and non-point source water pollution. The Education Coordinator will utilize the EnviroScape in

each of the school districts in the three counties. The EnviroScape is a hands on educational tool which demonstrates urban and rural non-point source pollution and the link between improper use and disposal of household hazardous materials and agricultural chemicals on water quality. The applicant will also develop a brochure on management and disposal options covering such topics as recycling batteries, oil, and anti-freeze locally and drying out latex paint.

**Program Partners:**

- Green Valley Area Education Agency (serves eight counties)
- Adams and Taylor Regional Service Agency
- Taylor Adams Union Recycle US (TARUS)
- ISU Extension
- Union Soil and Water Conservation District
- County Conservation Boards
- All schools of Adams, Taylor and Union counties

<b>Center for Energy and Environmental Education</b>	<b>Award Amount:</b>	<b>\$21,000.00</b>
University of Northern Iowa	<b>Local Match:</b>	<b>\$21,000.00</b>
Cedar Falls Iowa, 50614-0150	<b>Contact:</b>	Dr. Kamyar Enshayan
<b>Project Type:</b> General Awareness		319-273-6895

**Description:**

This project will raise public awareness of alternatives to pesticides and encourage ecologically sound practices in lawn care in the Cedar Falls / Waterloo metro area. This will be done in a number of ways. An information clearinghouse will be established, giving residents access to educational materials on pesticide reduction and alternatives. Education will also be provided through hosting public programs on alternative landscaping, native plants, alternatives to pesticides and pesticide reduction. The contractor will provide one-on-one outreach to businesses, churches, and schools to provide support and publicity for entities committed to pesticide use reduction. They will also work with lawn care and pest control service providers to offer pesticide-free alternatives and provide yard signs for businesses and residents who pledge to eliminate pesticides.

**Program Partners:**

- Mayor's office, City of Cedar Falls
- Cedar Falls Public Library
- Waterloo Public Library
- Black Hawk County Health Department
- Hearst Center for the Arts
- Integrated Roadside Vegetation Management
- Kelley Illustrations
- Recycle and Reuse Technology Transfer Center, UNI
- St. Luke Episcopal Church
- ME&V (public relation firm)
- Wellness and Recreation, UNI

**Retailer Consumer Education Program**

<b>Plymouth County Solid Waste Agency</b>	<b>Award Amount:</b>	<b>\$2,938</b>
34898 150 <sup>th</sup> Street	<b>Local Share:</b>	<b>\$ 250</b>
Le Mars Iowa 51031	<b>Contact:</b>	Gordon Greene
<b>Project Type:</b> Retailer Consumer Education		712/546-6532

**Description:**

The Contractor will conduct initial one on one site visits with retailers to provide household hazardous materials information to the retailer and for distribution to the retailer's customers. This information is designed to educate retailers and consumers on such topics as safer alternatives, proper purchases, safe use and management of household hazardous materials and proper disposal. Retailers will receive surveys to quantify customer purchases of household hazardous materials. The Contractor will also verify and discuss compliance with requirements of Iowa law regarding the sale of household hazardous materials. Approximately six months later the Contractor will again visit retailers to collect surveys and quantify changes in consumer purchasing habits.

**Program Partners:**

- Plymouth, Cherokee and Buena Vista Regional Collection Center

Ms. Stanley gave a detailed explanation of each grant proposal.

Discussion took place regarding the 50/50 match and the possible use of a postcard for people to post in their storage areas as a reminder on how to handle HHM. Also discussed was the issue of raising the public's awareness on HHM's and the need to change their behavior in disposing of these materials.

<b>INFORMATIONAL ONLY</b>
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**FALL TOXIC CLEANUP DAYS**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

Provided for your information is a summary of the Toxic Cleanup Day grant proposals received for fall of 1999. The Department received four proposals and has selected each for funding.

**Background:**

Toxic Cleanup Days are one day events to provide disposal for household hazardous materials. Local cost share of \$.50 per household for the first two events and \$.75 for each additional event is required for disposal costs. The county also pays all associated promotional costs. Education materials explaining management of household hazardous materials and safer alternatives are supplied by the Department.

**County:** Delaware  
Delhi Lion's Club  
R.R. 1 Box 84  
Delhi, Iowa 52223  
**Location:** Delaware County Fairgrounds  
Manchester

**Date:** September 18, 1999  
**Coordinator:** Jack Klaus, 319/927-6476  
**Most recent TCD:** October 1998  
**Number of events to date:** 2  
**Local cost share:** \$ 6,075.00  
**DNR grant amount:** \$12,675.00

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**County:** Grundy  
Emergency Management Office  
705 8<sup>th</sup> St.  
Grundy Center Iowa 50638  
County Conservation Board  
203 3<sup>rd</sup> St.  
Morrison IA 50657  
**Location:** Grundy County Fair Grounds  
Grundy Center

**Date:** September 11, 1999  
**Coordinators:** D. Sheridan Roberts  
319/824-6933 or 319/345-2193  
Kevin Williams  
319/345-2688 or 515/473-3045  
**Most recent TCD:** May 1998  
**Number of events to Date:** 2  
**Local cost share** \$3,582.00  
**DNR grant amount** \$18,918.00

**Counties:** Lee & rural Henry  
Great River Regional Waste Authority  
2092 303<sup>rd</sup> Ave  
Fort Madison IA 52627  
**Location:** Lee County Landfill  
Fort Madison

**Date:** September 18, 1999  
**Coordinator:** Kjrsten Bobb 319/372-6140  
**Most Recent TCD:** Lee – June 1992 Henry –  
October 1998  
**Number of events to date:** Lee 1, Henry 2  
**Local cost share:** \$ 7,700.00  
**DNR grant:** \$27,300.00

**County:** Wayne  
Wayne county Board of Supervisors  
PO Box 435  
Corydon IA 50060  
**Location:** Wayne County Fairgrounds  
Corydon

**Date:** September 11, 1999  
**Coordinators:** Larry Luckert, 515/872-1536  
Jerry O'Dell 515/872-2221  
**Most recent TCD:** May 1996  
**Number of events to date:** 1  
**Local cost share:** \$1,500.00  
**DNR grant:** \$9,750.00

Ms. Stanley briefly reviewed the grant proposals.

Elizabeth Christiansen asked if there has been a TCD in every county.

Ms. Stanley responded that all counties except two have had a TCD and they are now covered by regional collection centers.

<b>INFORMATIONAL ONLY</b>
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**TOXIC CLEANUP DAY SERVICE DELIVERY CONTRACT AMENDMENT - SAFETY KLEEN**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

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The commission is requested to authorize the Director to execute this contract amendment to include 1999 fall Toxic Cleanup Day events. The department recommends that the contract 99-G340-01 be amended to renew the contract for one additional year and include the four fall Toxic Cleanup Day events at a total cost not to exceed \$93,643.00.

The Commission authorized the Director to implement a contract with Safety-Kleen Corp. for the purpose of disposal of wastes collected at Toxic Cleanup Day events for fiscal year 1999. This contract includes a provision to renew the contract for one additional year. The Department is recommending exercising this option and retain Safety-Kleen Corp. as the hazardous waste contractor for Toxic Cleanup Days through fiscal year 2000. The additional Toxic Cleanup Days will be on the same basis as set forth in the original contract.

The following four counties have been selected to host the fall 1999 events:

Host County	Date
Delaware	September 8, 1999
Grundy	September 11, 1999
Lee and rural Henry	September 8, 1999
Wayne	September 11, 1999

The DNR has negotiated a local cost share with each county based on the number of households in each host county and the number of toxic Cleanup Days held previously in that County.

At this time the Commission is requested to authorize the Director to execute the toxic Cleanup Day contract amendment with Safety-Kleen Corp.

Ms. Stanley reviewed details of the contract amendment.

<i>Motion was made by Rozanne King to approve the Toxic Cleanup Day Service Contract Amendment with Safety Kleen as presented. Seconded by Terrance Townsend. Motion carried unanimously.</i>
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<b>APPROVED AS PRESENTED</b>
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**HOUSEHOLD HAZARDOUS MATERIALS PROGRAMS ADVISORY COMMITTEE**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

In an effort to deliver the best-quality services for the state, the Waste Management Assistance Division has established a household hazardous materials programs advisory committee. Advisory committee members will review all aspects of each program and provide recommendations that will guide the state's protection of surface and ground water resources and improve public health and safety through the Division's household hazardous materials programs.

Since 1989, the Division has administered four programs designed to educate Iowans on proper use, storage and disposal of household hazardous materials. These programs, the Household Hazardous Materials General Awareness Grants; the Retailers Consumer Education Program; Toxic Cleanup Days; and Regional Collection Center Establishment Grant Program have made significant contributions to alerting and educating citizens of the consequences of improper household hazardous material use, storage and disposal. In 1998, nearly 3,000 toxic exposures to household hazardous materials were reported to the Iowa Poison Center, 39% of which were from cleaning products. This is further evidence of the need for education and proper disposal opportunities.

The advisory committee is expected to meet monthly for the next four months to develop program recommendations that will assist the Department in preparing recommended legislative changes to the household hazardous materials programs. It is anticipated these proposed changes will be presented to the Commission in November 1999. Once program recommendations have been finalized, the advisory committee will be called upon periodically to meet and discuss new and on-going household hazardous material issues.

Examples of issues to be addressed by the advisory committee include:

Toxic Cleanup Days

- Reducing dependence on Toxic Cleanup Days
- Evaluating local funding requirements
- Redirecting funds to target specific waste streams (i.e. agricultural pesticides, school laboratory chemicals)

Regional Collection Centers

- Developing a marketing plan to promote Regional Collection Center use
- Identifying and addressing barriers to establishing new or expanding existing Regional Collection Center service areas
- Evaluating technical and financial support for Regional Collection Centers

Household Hazardous Materials Education Programs

- Evaluating existing educational materials



- Developing new educational materials and incorporate into a statewide message

#### Miscellaneous

- Evaluating the current Household Hazardous Materials Permit fee in terms of revenue generation, current allowable fund use, and HHM programs funding needs.

Since 1986, the Department has held 162 Toxic Cleanup Days across the state and invested \$4,832,811 for the proper disposal and recycling of 4,396,400 pounds of hazardous materials from homes and farms. (Statistics and costs for the spring 1999 events are not yet available.) Although Toxic Cleanup Days have served Iowans well, they are only a temporary solution. Surveys taken at Toxic Cleanup Days show that 80% of participants had stored their material for five or more years and 80% of participants prefer disposal opportunities to be offered once or twice per year.

Regional Collection Centers give citizens the opportunity to dispose of materials on a consistent, year-round basis, reducing the need to store hazardous materials and eliminate the health risks associated with storage. Regional Collection Centers also provide a needed outlet for disposing of hazardous materials from conditionally exempt small quantity generators (business generated hazardous material disposal is not allowed at Toxic Cleanup Days). The Department has invested \$1,172,704 in establishing and supporting Regional Collection Centers. This investment has resulted in the collection of 2,178,605 pounds of hazardous material as of June 30, 1998. Currently 33 counties are served by regional collection centers and we anticipate grant applications to cover seven more counties in the June 1999 round of funding alone.

Ms. Stanley reviewed the agenda item with the Commission noting that this is a planning initiative on where the department is going with HHM's and how to achieve those plans. She expanded on each of the following areas: TCD's; Regional Collection Centers; HHM Education Programs; and miscellaneous such as revenue generation, fund use, and funding needs. In addition, she discussed the possible development of initiatives to clean up chemicals in school facilities and old chemicals stored on agricultural sites.

<b>INFORMATIONAL ONLY</b>
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#### **MONTHLY REPORTS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

### RULEMAKING STATUS REPORT

June 1, 1999

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 4,5,6 - Agency Procedure for Rulemaking	4/19/99	5/19/99	6/08/99	----- -----	*7/19/99	*7/19/99	*8/11/99	*9/06/99	*9/15/99
2. Ch. 20, 21, 22, 23 & 25 - NESHAPS, Internal and Corrections Clarifications	2/15/99	3/10/99	4/06/99	4/09/99	5/17/99	5/17/99	6/16/99	*7/06/99	*7/21/99
3. Ch. 40, 41, 42, 43, & 83 - Water Supply & Environmental Certification	3/15/99	4/07/99	5/11/99	5/4,6,24-27/99	*7/19/99	*7/19/99	*8/11/99	*9/06/99	*9/15/99
4. Ch. 55 - Aquifer Storage and Recovery	3/15/99	4/07/99	5/11/99	5/4,6,24-27/99	*7/19/99	*7/19/99	*8/11/99	*9/06/99	*9/15/99
5. Ch. 64 - Stormwater Permits	4/19/99	5/19/99	6/08/99	6/18/99	*7/19/99	*7/19/99	*8/11/99	*9/06/99	*9/15/99
6. Ch. 105 - Organic Materials, Composting	3/15/99	4/07/99	5/11/99	4/27/99	5/17/99	5/17/99	6/16/99	*7/06/99	*7/21/99
7. Ch. 135 - USTS-MTBE Analyzing Requirements	6/21/99	*7/14/99	*8/09/99	----- --	*8/16/99	*8/16/99	*9/8/99	*10/4/99	*10/13/99
8. Ch. 135 - USTS-MTBE Analyzing Requirements	-----	-----	-----	----- --	6/21/99	*6/21/99	*7/14/99	*8/9/99	*7/1/99

### VARIANCE REPORT

May 1999

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Dexter, City of	Wastewater Construction	Howard R. Green	Manhole Spacing	Approved	05/04/99
2	Dexter, City of	Wastewater Construction	Howard R. Green	Pond Influent Piping	Approved	05/04/99
3	Maytag Company-Plant No.1 & 2-Newton	Wastewater Operation		Monitoring Frequency	Approved	05/04/99
4	Big Bend Closed CCR Landfill-Linn County	Solid Waste	RMT, Inc.	Groundwater Monitoring	Approved	05/07/99
5	Council Bluffs, City of-Alter Landfill Site	Solid Waste	Terracon	Cover	Approved	05/05/99
6	Marshalltown East Closed CCR Landfill-Marshall	Solid Waste	RMT, Inc.	Groundwater Monitoring	Approved	05/07/99
7	Marshalltown West Closed CCR Landfill-Marshall	Solid Waste	RMT, Inc.	Groundwater Monitoring	Approved	05/07/99

8	Stoney Point Closed CCR Landfill-Linn County	Solid Waste	RMT, Inc.	Groundwater Monitoring	Approved	05/07/99
9	Vinton, City of-Veterans Memorial Airport Tire Processing Site for Rosebar Tire Shredding Center, Inc. Site Cleanup	Solid Waste	Benton County Engineer	Permit Exemptions	Approved	05/13/99
10	County Store to Fairview-Jones County	Watersupply Construction	MMS Consultants,	Siting Criteria	Approved	05/03/99
11	Stage Coach Junction, Inc.-Waverly	Watersupply Construction	Wayne Claassen Engineering	Design Basis	Approved	05/03/99

### Report of Hazardous Conditions

During the period May 1, 1999, through May 31, 1999, 96 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	52(70)	28(37)	11(17)	13(16)	20(28)	2(6)	24(28)	1(5)	0(0)	5(3)
Nov.	57(44)	35(25)	9(9)	13(10)	30(15)	2(3)	23(23)	0(2)	0(0)	2(1)
Dec.	41(52)	23(27)	5(19)	13(6)	21(21)	2(4)	15(22)	1(4)	0(0)	2(1)
Jan.	30(42)	15(32)	0(3)	15(7)	20(19)	0(2)	6(16)	2(1)	0(1)	2(3)
Feb.	43(42)	25(32)	4(3)	14(7)	26(19)	1(2)	12(16)	1(1)	0(1)	3(3)
Mar.	50(53)	32(37)	12(9)	6(6)	27(29)	1(0)	20(16)	0(4)	0(0)	2(4)
Apr.	92(60)	49(23)	26(23)	17(14)	46(25)	1(3)	43(25)	0(5)	0(0)	2(2)
May	96(135)	44(58)	39(64)	13(13)	35(58)	2(3)	47(69)	1(2)	0(0)	11(2)
Jun.										
Jul.										
Aug.										
Sept.										

(numbers in parentheses for the same period in fiscal year '98)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
14	16	14	11	23	18

**ENFORCEMENT STATUS REPORT**

The following new enforcement actions were taken last month:

<b>Name, Location and Field Office Number</b>	<b>Program</b>	<b>Alleged Violation</b>	<b>Action</b>	<b>Date</b>
Terra Firma, L.P.; Dick Hall Ames (5)	Air Quality	Asbestos	Emergency Order	5/4/99
Wilcox All-Pro Tool & Supply, Poweshiek Co. (5)	Wastewater	Stormwater Operation Without Permit	Order/Penalty \$1,800	5/25/99
Ron Meythaler, Linn Co. (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violation – General Criteria	Order	5/27/99
Big Rock Country Club, Fayette (1)	Drinking Water	Monitoring/Reporting – Bacteria; Public Notice	Order/Penalty \$500	5/27/99
Dean Adrian Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge-Open Feedlot; Water Quality Violations-General Criteria	Referred to AG	3/15/99
Sale-R-Villa Construction Co.; Carl A. Burkhart, Perry (5)	Air Quality	Asbestos	Referred to AG	3/15/99
Troy P. and Sandra L. Hanson, Eagle Grove (2)	Animal Feeding Operation	Prohibited Discharge-Confinement; Water Quality Violations-General Criteria	Referred to AG	3/15/99
Holnam Incorporated, Mason City (2)	Air Quality	Excess Emissions	Referred to AG	3/15/99
LaFarge Corporation, Davenport (6)	Air Quality	Excess Emissions	Referred to AG	3/15/99
Ivan Stoltzfus, Decatur City (5)	Wastewater	Construction Without Permit	Order/Penalty \$2,500	3/16/99
Hargrave-McEleney, Inc., Iowa City (6)	Drinking Water	MCL – Other Inorganics	Order/Penalty \$1,000	3/22/99
Gerald and Judith Vens, Dixon (6)	Flood Plain	Construction Without Permit; Operation Without Permit	Order/Penalty \$5,000	3/31/99

Richard Greiner, Washington Co. (6)	Animal Feeding Operation	Prohibited Discharge- Confinement, Open Feedlot; Water Quality Violations-General Criteria	Order/Penalty \$3,000	3/31/99
Bowlaway Lanes, New Hampton (1)	Drinking Water	Monitoring/Reporting – Nitrate; Public Notice	Order/Penalty \$100	2/23/99
Country Terrace Mobile Home Court, Boone (5)	Drinking Water	Monitoring/Reporting – Bacteria, Other Inorganics, Organics, Radioactivity; MCL – Radioactivity; Public Notice	Order/Penalty \$5,000	2/25/99

## SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRA M	AMOUN T	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Searsboro, City of	WW	2,500	11-08-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Kalona Golf Club (Washington Co.)	WS	250	10-31-98
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Mark Geerdes (Kossuth Co.)	SW	550	2-04-99
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
* Dakota Mobile Home Park (Oxford)	WW	750	4-15-99
* Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	500	4-15-99

## Environmental Protection Commission Minutes

June 1999

Aeroplane Inn (Honey Creek)	WS	1,125	2-16-99
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Russ Winkowitsch (Butler Co.)	FP	500	3-06-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
J Wood Park (Clayton Co.)	WS	100	3-06-99
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000	3-09-99
Koch's Meadow Lake Campground (Cedar Co.)	WS	200	3-11-99
Plantation Village Mobile Home Park (Burlington)	WS	500	3-13-99
Plantation Village Mobile Home Park (Burlington)	WW	2,000	3-13-99
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Wee Willy's (Quasqueton)	WS	100	3-15-99
* Milton, City of	SW/AQ	250	4-16-99
Bowlaway Lanes (New Hampton)	WS	100	4-20-99
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Full Moon Saloon (Jesup)	WS	500	4-23-99
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	350	6-01-99
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	3,000	5-01-99
* Gary Lund Construction (Eagle Grove)	SW	625	5-01-99
Stokely USA, Inc. (Ackley)	WW	1,000	5-07-99
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	450	5-11-99
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,200	5-15-99
* R.V. Hopkins, Inc. (Davenport)	AQ	12,700	5-16-99
Mark Stillmunkes (Jackson Co.)	AQ/SW	1,000	5-19-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
* Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000	6-01-99
# Richard Greiner (Washington Co.)	AFO	3,000	6-02-99
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,460	6-08-99
CGB Printing Co. a/k/a Rock Communications Ltd. (Newton)	AQ	10,000	7-05-99
*# Verton S. Miller (Johnson Co.)	AFO	625	8-10-99
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Outer Limits Quick Mart (Woodbine)	WS	100	-----
# Aaron Tolander (Louisa Co.)	AFO	3,000	-----
Wilcox All-Pro Tool & Supply (Poweshiek Co.)	WW	1,800	-----
Big Rock Country Club (Fayette)	WS	500	-----
	<b>TOTAL</b>	<b>127,850</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96

Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Charlie's Supper Club (Algona)	WS	100	8-01-98
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	5-01-98
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
<b>TOTAL</b>		<b>114,654</b>	

The following administrative penalties have been appealed:

Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000

## Environmental Protection Commission Minutes

June 1999

Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Ron Rupe (Polk Co.)	SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Carroll, City of	WS	3,000
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition;	AQ/SW	1,000
Clara Lindstadt (Des Moines Co.)		
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	10,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Stellar Industries, Inc. (Garner)	AQ	3,000
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	5,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
North Central Cooperative (Clarion)	WW/HC	2,000
Troy Elevator, Inc. (Troy)	WW/HC	4,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000



Rockwell City, City of	WW	10,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
Ben Haven Mobile Home Park	WS	5,500
West Liberty, City of	WW	5,000
The Legacy Group, L.C. (Des Moines)	WW	10,000
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
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Eagle Lane Corp. (Blue Grass)	WS	4,000
Barr Farm Venture; Mel Foster Co. Properties (Scott Co.)	WW	10,000
Casey's General Stores, Inc. (Johnston)	UT	8,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Underwood Motel (Underwood)	WS	4,000
Kraus's Serene Wooded Acres (Amana)	WS	500
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
Dyersville Golf and Country Club (Dyersville)	WS	1,500
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
Wareco System of Iowa, Inc. (Burlington)	UT	6,100
Dennis Sharkey, Sr.; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	10,000
Super 20 Mobile Home Park (Dubuque)	WS	1,000
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Paris & Sons; Thomas Paris (Masonville)	WW/HC	10,000
Dayton, City of	WW	10,000
Williamsburg Manufacturing (Williamsburg)	AQ	3,000
Lund Manufacturing Company, Inc. (Farley)	AQ	4,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Tiffin, City of	WW	5,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Woolstock, City of	WW	5,000
Fayette County Sanitary Landfill	SW	10,000
Des Moines, City of	WW	5,000
Shenandoah, City of	WW	5,000
Robert Simon (Dubuque Co.)	AQ/SW	5,000
Ivan Stoltzfus (Decatur Co.)	WW	2,500
Gerald and Judith Vens (Scott Co.)	FP	5,000
Mid-County Water, Inc.; Spring Green Estates (Toddville)	WS	500
Anthony's Resort (Sherrill)	WS	2,100
Snap-On Tools Company (Algona)	AQ	1,500
Horsley Specialties, Inc. (Des Moines)	AQ	5,000
Hargrave-McEleney, Inc. (Iowa City)	WS	1,000
Flying J Inc. (Clive)	WW/UT	10,000
	<b>TOTAL</b>	<b>549,775</b>

The following administrative penalties were paid last month:

Shell Rock Products, Inc. (Butler Co.)	AQ/SW	4,500
* Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	500
* River City Hardwoods, Inc. (Muscatine)	AQ	500
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	50
Clair View Acres Store (Delhi)	WS	50
* Gary Lund Construction (Eagle Grove)	SW	625
# Rodney Mullins (Humboldt Co.)	AFO	500
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	200
* Orrie's Supper Club, Inc. (Hudson)	WS	130
Camp Golden Valley (Lockridge)	WW	1,000
Kind & Knox Gelatine (Sioux City) STIPULATED PENALTY	WW	37,500
Nancy's Country Inn (Cedar Rapids)	WS	50
Rex Liekweg (Cerro Gordo Co.)	SW	300
Ed Engelbrecht d/b/a E & E Auto Salvage (Lee Co.)	AQ/SW	500
Oakland Mills Store (Mt. Pleasant)	WS	200
<b>TOTAL</b>		<b>41,055</b>

The \$4,500 penalty assessed to Joseph L. Ranker and Daryl Hollingsworth has been rescinded.

The \$10,000 penalty assessed to Rosebar Tire Shredding Center; Dan Schwitters (Vinton) has been rescinded.

#### ATTORNEY GENERAL REFERRALS

June 1, 1999

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred	3/15/99
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Order Granting Leave to Add Parties Trial Date	6/20/97 6/05/98 2/17/99 9/27/99
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 9/23/99
Barkema, Russell d/b/a Barkema Construction Wright Co. (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Motion for Judgment	2/15/99 5/03/99
Bodensteiner, Edward Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	8/17/98 12/22/98

Clark, Doug d/b/a Charlie's Supper Club Livermore (2)	Drinking Water	Failure to Renew Permit; Monitoring/Rep orting	Order/Pe nalty	Referred Petition Filed	7/20/98 9/24/98
DeCoster, A.J. Wright Co. (2) <b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Hearing on Pre-Trial Motion Order Denying Defendant's Motion Order Granting State's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial Closing Arguments Ruling (\$59,000/Civil) Defendant's Notice of Appeal Defendant's Brief Filed Defendant's Amended Brief Filed State's Brief Filed State's Amended Brief Filed Defendant's Reply Brief Filed Supreme Court Arguments	7/17/95 1/23/96 10/28/96 11/06/96 11/21/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97 3/28/97 9/05/97 4/04/97 9/05/97 9/24/97 1/12/98 1/22/98 2/19/98 5/27/99
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Defendant's Motion for Partial Summary Judgment State's Motion for Partial Summary Judgment Hearing on Defendant's Motion for Partial Summary Judgment Hearing on State's Motion for Partial Summary Judgment Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Ruling for State Defendant's Notice of Appeal Defendant's Proof Brief Filed State's Brief	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 7/14/97 8/04/97 8/11/97 8/25/97 9/02/97 9/04/97 9/16-18/97 1/15/98 2/13/98 7/08/98 10/08/98
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98

## General

DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date Post Trial Brief	8/18/97 3/20/98 3/16/99 3/30/99
DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	12/15/97
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	11/16/98
Farmers            Hybrid Companies, Inc. Poweshiek Co. (1)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	3/16/98 3/11/99
Flannegan    Conservation Service; Hugh J. Flannegan Emmetsburg (3)	Solid Waste	Operation Without Permit	Referred to Attorney General	Referred	11/16/98
Freese, Ken South English (6)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Pe nalty	Referred Motion for Judgment Hearing	12/21/98 4/26/99 5/24/99
Fry, Elery; Allen Fry; Beck Sandeen Monroe Co. (5)	Solid Waste	Illegal Disposal	Order/Pe nalty	Referred Motion for Judgment	2/15/99 4/22/99
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)	Air Quality	Open Burning	Order/Pe nalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment Trial Date Ruling (\$3,500,000/Civil)	1/20/98 8/25/98 9/28/98 10/26/98 2/12/99 3/18/99 4/14/99 4/22/99
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Pe	Referred Petition Filed	12/18/95 4/18/96

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## Environmental Protection Commission Minutes

				nalty	Entry of Default	11/01/96
Henry County Board of Supervisors Henry Co. (6)		Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99
Hidden Valley Mobile Home Court Washington Co. (6) <b>UPDATED</b>		Drinking Water	Monitoring/Reporting - Lead and Copper	Order/Pe nalty	Referred Petition Filed Trial Date	1/20/98 9/29/98 9/14/99
Hofer's Ballroom Walford <b>NEW</b>	Danceland (1)	Drinking Water	Monitoring/Reporting - Bacteria, Nitrate	Order/Pe nalty	Referred	5/17/99
Holnam Incorporated Mason City (2)		Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trucking Lovilia (5)	Trust	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
LaFarge Corporation Davenport (6)		Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
LaFollette, James; Douglas Marion Co. (5)	Kurt	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Pe nalty	Referred	11/16/98
Larson, Daryl Clinton Co. <b>UPDATED</b>	(6)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial	10/20/97 6/26/98 5/26/99
Larson, Daryl Delmar <b>NEW</b>	(1)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	5/17/99
Lehigh Portland Cement Co. Mason City (2)		Air Quality	Construction Without Permit	Referred to Attorney General	Referred	8/17/98

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Martinez, Vincent d/b/a Martinez Service Davenport (6)	Sewer	Hazardous Condition	Remedial Action	Order/Pe nalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCoy, Patrick Keokuk Co. <b>UPDATED</b>	(6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Pe nalty	Referred Motion for Judgment Order Granting Motion for Judgment	2/15/99 4/22/99 5/24/99
Morgan, Ron d/b/a Action Jack's Park Polk Co. (5)		Solid Waste	Illegal Disposal	Order/Pe nalty	Referred	2/15/99
Mullins, Rodney Eagle Grove (2)		Animal Feeding Operation	Prohibited Discharge – Confinement	Order/Pe nalty	Referred Motion for Judgment Filed	2/15/99 3/18/99
Organic Technologies; Tim Danley; Ken Renfrow; Danley Warren Co. (5)	Mike	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction	12/15/97 10/02/98 2/04/99
Pewe Mercantile, Inc.; Dion Pewe Grand Mound (6)		Undergroun d Tank	Insurance Violation; Site Check	Order/Pe nalty	Referred Petition Filed	11/16/98 4/08/99
Reed, Verna and Don; Andrea Silsby Union Co. (4)		Solid Waste	Illegal Disposal	Order/Pe nalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Smuck Des Moines (5)	Doug	Undergroun d Tank	Insurance Violation	Order/Pe nalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Sale-R-Villa Construction Co. Carl A. Burkhart Perry (5)		Air Quality	Asbestos	Order/Pe nalty	Referred	3/15/99
Stafford, Dean d/b/a Oakland Mills Store Mt. Pleasant <b>UPDATED</b>	(6)	Drinking Water	Operation Without Permit; Monitoring/Rep orting - Nitrate	Order/Pe nalty	Referred Motion for Judgment Filed Hearing Administrative Penalty Paid (\$200)	2/15/99 3/19/99 4/26/99 5/17/99
Tire Tech Environmental Systems, Inc. Muscatine (6)		Solid Waste	Tire Processing Permit Violations	Referred to Attorney General	Referred Petition Filed Hearing on Temporary Injunction Temporary Injunction	4/20/98 6/23/98 8/25/98 9/15/98

Trial Date

5/10/99

Tracy, Ronald d/b/a TRACE, Inc. Howard Co. (1)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Complaint Filed	11/17/97 11/26/97
Village Realty Pottawattamie Co. (4)	Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order Granting Partial Dismissal	8/12/98 10/08/98 12/22/98
Weber Construction, Inc. Cascade (1)	Air Quality	Asbestos	Petition for Review	Petition Filed Answer Filed Hearing	11/19/98 12/23/98 8/24/99
White, Robert Jeff Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Pe nalty	Referred Petition Filed	4/20/98 2/05/99
Williams, Dean d/b/a Williams Oil Co. Stuart (4)	Underground Tank	Site Assessment	Order/Pe nalty	Referred Petition Filed	10/20/97 9/24/98
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98
Zook, Russell d/b/a Haskins Recycling Ainsworth NEW	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Pe nalty	Referred	5/17/99

## CONTESTED CASE REPORT

Date Received	Name of Case	F.O.	Action Appealed	Program	Assigned To	Status
6-08-89	Shaver Road Investments	1	Site Registry	HW	Tack	Testing completed 10/13/98. Revised order sent. Waiting for final edits to Consent Order from responsible party.
6-08-89	Hawkeye Rubber Mfg Co	1	Site Registry	HW	Tack	Testing completed. Revised order sent. Waiting for final edits to Consent Order from responsible party.
6-08-89	Lehigh Portland Cement Co.	2	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc	5	Site Registry	HC	Murphy	Hearing continued pending negotiations Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp (Council Bluffs)	4	Admin Order	SW	Tack	Permit issued District court suit dismissed Field Office overseeing compliance Progress reports received.
6-20-90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues Follow-up with EPD regarding status-3/97.
7-02-90	Keokuk Savings Bank and Trust;	6	Site Registry	HW	-----	Hearing continued.

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	Keokuk Coal Gas Site					
7-30-90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	----	Decision appealed (Pixler)
8-01-90	J I Case Company	6	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	2	Admin Order/Penalty	SW	Tack	Settlement reached Clean-up to be completed by 7/1/99. Awaiting dismissal of appeal.
5-20-91	Great Rivers Coop-Lockridge	6	Site Registry	HC	Murphy	Settlement close, 2/99.
9-25-91	Archer Daniels Midland	6	Admin. Order	SW	Tack	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	5	Admin Order/Penalty	WS	Hansen	Settlement offer to WS Counter offer 7/13/93 Dept response on 8/3/93. Facility response 8/11/93 12/93 Dept letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure Response requested by 6/2/96 5/30/96 - Response received indicating compliance and requesting waiver of penalty 9/30/96 Request for waiver of penalty denied Facility attorney to submit new proposal.
1-30-92	Center Oil Co., Inc.	1	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	3	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Negotiating before filing.
11-16-92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Amended order issued 1/11/96.
4-05-93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD Appeal discussion with EPD staff.
4-12-93	LeMars, City of	3	Admin Order/Penalty	WW	Hansen	Construction permit issued Schedule submitted by City for remaining construction found unacceptable Request for acceptable schedule - 1/31/96 Schedule received; under review by WW Permits.
7-09-93	Oakwood Park Water, Inc	5	Admin Order/Penalty	WS	Hansen	Construction permit issued 2/94 Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by 6/2/96 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied Facility attorney to submit new proposal.
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford	4	Admin Order	UT	Wornson	Tier 2 submitted Under review.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	2	Admin Order/Penalty	AQ	Preziosi	Settled Awaiting penalty payment
1-27-94	Archer-Daniels-Midland	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3-03-94	Burlington Northern Railroad		Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal Response requested by 4/30/96 5/96 - Follow-up letter sent Response requested by 6/28/96 Follow-up letter sent Response from company that appeal is being reviewed.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	5	Admin Order/Penalty	UT	Wornson	<b>ALJ affirmed 5/11/99.</b>
6-15-94	Lakeview Heights		Permit Conditions	WS	Hansen	Facility proposal under review by WS DNR response to appeal - 4/96.
7-12-94	Tom Wiseman	2	Admin Order/Penalty	UT	Wornson	<b>Compliance initiated 5/25/99.</b>
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	4	Admin Order/Penalty	UT	Wornson	Inability to pay Failed to return required documentation. Letter sent 12/31/98.
8-29-94	B and B Tire and Oil	4	Admin Order/Penalty	UT	Wornson	SCR accepted Letter sent offering penalty negotiations 8/26/96 Free product report received 10/2/96.
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	1	Admin Order/Penalty	UT	Wornson	<b>Dismissed. Party deceased.</b>
9-02-94	Crabtree Lake Resort	5	Admin Order/Penalty	WW	Hansen	Facility in compliance.
9-09-94	American Coals Corp ,Site 5 (Bussey)	5	Admin Order/Penalty	SW/AQ	Tack	Consent order sent to parties Awaiting Dept of Agriculture resolution.
9-15-94	Bankston	1	Admin Order/Penalty	WS	Hansen	1/95 - Information from City Compliance initiated Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin Order/Penalty	UT	Wornson	Consent order. SCR received Revisions to SCR required - overdue Follow-up letter sent 2/26/96 UST Fund conducting further assessment and free product removal. Meeting with attorney Settlement offer proposed.
9-26-94	James D. Foust	5	Admin Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	6	Admin Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report.
11-14-94	Tom Babinat d/b/a Tom's Car Care	2	Admin Order/Penalty	UT	Wornson	Inability to pay - requested documentation -- no response State lead - tanks removed To be sent to DIA for hearing.
12-14-94	Campbell Clean-Up Service	1	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	2	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95-construction approved by WS section for chlorination equipment. 1/17/96 - Letter to City regarding resolution of appeal. No response as of 2/28/96. Dept. follow-up letter - 3/96. Response from City 4/8/96. Amended order issued 8/30/96. 4/99 - City to submit letter accepting settlement and agreeing to use chlorination permanently. 5/19/99 Dept. sent letter closing appeal due to information received from City's water superintendent stating that City is using chlorination equipment on a permanent basis.



1-11-95	Henry and Randy Krohn d/b/a Krohn Construction	3	Admin. Order/Penalty	AQ/SW	Tack	Penalty settlement reached. Final payment due 7/1/99
1-13-95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	2	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96.
3-23-95	American Coals Corp.	5	Admin. Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of Agriculture resolution.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	1	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	6	Admin. Order/Penalty	HC/WW	Tack	Settled. Penalty due 6/1/99.
5-25-95	E.I. DuPont DeNemours (95-A-133)		Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-25-95	Fremont County SLF	4	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
5-30-95	Earth Media Technologies	5	Admin. Order/Penalty	SW	Tack	Clean-up completed.
5-31-95	E I DuPont DeNemours (91-A-266 thru 91-A-269)		Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-20-95	Toledo, City of	5	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6-23-95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96.
7-10-95	Donald Krieger	3	Admin. Order/Penalty	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8-01-95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Negotiating penalty.
8-24-95	Shell Rock Products, Inc.	2	Admin. Order/Penalty	AQ/SW	Preziosi	Settled. Awaiting penalty payment.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	6	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information. 6/96 - additional information received by WS staff for review. 7/96 - Request for variance, as modified, granted. 8/96 - Construction permit for new well granted. 10/96 - Letter to engineer regarding dismissal of appeal.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
10-17-95	Weber Construction, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. Briefs due to EPC 9/4/97. ALJ decision upheld. Petition for review 11/19/98. Appealed to District Court.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with FO #6. Receiving penalty payments.
12-29-95	Spencer Memorial Hospital	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1-04-96	Catherine E. Meredith	4	Admin. Order	UT	Wornson	Compliance initiated by Atlantic Bottling. Comingled with coal tar. Joint agreement with IES. Tier 2 submitted. Awaiting review.
1-08-96	Westside Park for Mobile Homes	6	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility inspection 2/28/96 by FO 6. Sent to DIA to be set for hearing. Hearing set for 6/11/99. Settled 5/99. Awaiting penalty payment.
1-11-96	Climax Molybdenum Company	6	Admin. Order/Penalty	AQ/HC	Preziosi	Hearing set for 4/26/99.
1-12-96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	5	Admin. Order/Penalty	UT	Wornson	Hearing held 3/23/99. Awaiting decision. ALJ affirmed. Penalty reversed 5/11/99.
1-25-96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3-11-96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	5	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section.
3-14-96	Lamoni, City of	5	Admin. Order	WW	Hansen	Flow information requested from City's engineer. New waste load allocation and permit limits requested.
3-19-96	Obie's West	1	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	6	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscatine Community School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review.
5-14-96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 - Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand

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						Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff
5-29-96	Haasco, Ltd.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	2	Admin Order	AFO	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	2	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-19-96	Appanoose Co. Sanitary Landfill	5	Permit Modification Denial	SW	Tack	Hearing set for 6/29/98 - settlement pending.
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. & Excavating	6	Admin Order/Penalty	AQ/SW	Tack	Proposed decision 5/3/99.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	2	Permit Denial	AFO	Clark	Proposed decision 11/25/96. 12/27/96. Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	2	Admin Order/Penalty	AFO	Clark	Hearing continued - date to be set
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart	1	Admin Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home Park	6	Admin Order/Penalty	WW	Clark	Penalty installments received. Settled pending receipt of all installments.
9/24/96	North Star Steel Iowa		Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	2	Admin Order	AFO	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	Hearing continued indefinitely.
10/28/96	Holliman, Ltd.	4	Admin. Order/Penalty	SW/WW	Tack	Settled. Awaiting penalty payment.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M Woodshavings	2	Admin Order/Penalty	AQ/SW	Tack	Settled. Penalty payment plan. Awaiting payment
11/08/96	Carroll, City of	4	Admin Order/Penalty	WS	Hansen	Returned to compliance. 4/99 - Settlement offer sent to City. City Manager made counter offer. Offer accepted by Dept. Settled. Awaiting penalty payment.
11/25/96	Camp Golden Valley	6	Admin. Order/Penalty	WW	Tack	Settled. Penalty payment received. Closed.
12/02/96	Organic Technologies Corp	5	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
12/05/96	Organic Technologies Corp -----91-SDP-02-94P	5	Admin Order/Penalty Intended Permit Revoc	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
1/02/97	Ruan Leasing Co., aka Ruan Transportation Management Systems	6	Admin. Order	AQ	Preziosi	Negotiating before filing
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	2	Admin. Order/Penalty	SW/AQ	Tack	Negotiating before filing.
3/20/97	Sylvan Acres	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	5	Admin. Order/Penalty	SW/AQ	Tack	Proposed decision 4/23/99.
5/07/97	Delaware County Landfill, Inc.	1	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
6/06/97	Carroll's Foods of the Midwest		Const. Permit Denial	WW	Clark	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	6	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO		Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
7/30/97	Country Pumpkin	4	Admin Order/Penalty	WS	Hansen	Returned to compliance for nitrate and bacteria sampling.
7/31/97	Advanced Technologies Corp.	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	2	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC Affirmed 9/21/98. Appealed to District Court.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Mgmt. Comm.	1	Admin Order/Penalty	SW	Tack	Negotiating before filing.
8/18/97	Stellar Industries Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash	3	Admin Order/Penalty	WW	Murphy	Case on hold pending compliance. Compliance to be achieved summer of 1999. Letter to attorney 2/26/99.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/6/97	North Central Cooperative	2	Admin Order/Penalty	HC/WW	Murphy	11/98 - Site assessment approved. Settlement pending 2/26/99.
10/6/97	Holnam, Inc.	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/22/97	Lehigh Portland Cement Co.	2	Admin. Order	AQ	Preziosi	Settlement close.
11/19/97	Troy Elevator, Inc.	6	Admin. Order/Penalty	WW/HC	Murphy	Site assessment conditionally approved 11/98.
12/02/97	Dows, City of	2	Admin Order	WW	Hansen	F O 2 inspection 3/98. To be set for hearing 4/99 - Letter received from City engineer regarding stream study.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	2	Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt. Permit	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC Affirmed 9/21/98. Appealed to District Court.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	2	Admin Order/Penalty	AFO	Clark	Negotiating before filing

1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/30/98	Rockwell City	3	Admin. Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan.
2/13/98	Ed Engelbrecht d/b/a E & E Auto Salvage	6	Admin. Order/Penalty	AQ/SW	Tack	Penalty paid. Settled.
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	4	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp		Admin. Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on 6/29/98.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance nearly complete.
4/23/98	North Liberty, City of	6	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	1	Admin. Order/Penalty	WS	Hansen	Chlorination system installed by WS.
5/11/98	Teri Cook-Schlutz		401 Certification	WQ	Murphy	Appeal moot. Letter sent 4/28/90. Closed.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
7/27/98	Mitchell Dam Bar		Permit Conditions	WS	Hansen	Negotiating before filing.
7/29/98	Eagle Lane Corporation	6	Admin. Order/Penalty	WS	Hansen	Water supply in compliance with monitoring requirements.
7/29/98	Archer Daniels Midland 98-A-507P thru 98-A-515P	6	Permit Provisions	AQ	Preziosi	Negotiating before filing
8/13/98	Obie's Hurstville Tap	1	Admin. Order	WS	Murphy	Letter sent 2/26/99. On hold pending monitoring.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99.
9/15/98	Verton S. Miller	6	Admin. Order/Penalty	AFO	Clark	Penalty installment received 2/11/99. Settled pending receipt of final penalty installment.
9/22/98	Rosebar Tire Shredding Center; Dan L. Schwitters	1	Admin. Order/Penalty	SW	Tack	Settled. Order rescinded.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Kaizer	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up to be completed by 7/1/99.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested.
10/09/98	Elm's Corporation of Linn County	1	Admin. Order/Penalty	UT	Wornson	Compliance initiated.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	5	Admin. Order/Penalty	WW	Murphy	New violation letter sent 4/14/99
11/03/98	Dakota Mobile Home Park; Capitol Oil Co.	6	Admin. Order	WS	Murphy	Hearing set for 7/9/99. Settlement offer 5/25/99.
11/05/98	Jim Arenson Chevrolet		Permit Revisions	WS	Hansen	Compliance initiated. WS installed disinfection equipment. WS needs to submit P & S for review by WS engineer and have equipment inspected by F.O. 1.
11/06/98	Barr Farm Venture and Mel Foster Co. Properties	6	Admin. Order/Penalty	WW	Murphy	Letter sent 2/26/99 Will monitor compliance this spring
11/06/98	Rustic Oaks Homeowners Assoc.	6	Admin. Order	WS	Murphy	Settlement offer 4/23/99.
11/13/98	Caseys General Stores, Inc (Johnston Store)	5	Admin. Order/Penalty	UT	Wornson	Compliance initiated
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	4	Admin. Order/Penalty	WS	Hansen	Sanitary survey completed by F.O. 4.
12/01/98	Dyersville Golf & Country Club	1	Admin. Order/Penalty	WS	Murphy	Progress report submitted 3/16/99. Certified operator retained. Will monitor performance this summer.
12/07/98	Krauss Serene Wooded Acres	6	Admin. Order/Penalty	WS	Murphy	Letter sent 2/23/99. Sanitary survey to be conducted. Will monitor performance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	Negotiating before filing.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
12/28/98	Jim Comes; Gary Comes		Permit Issuance	FP	Clark	Proposed decision 4/16/99.
12/30/98	Farmland Industries, Eagle Grove	2	Permit Exemption Denial	AQ	Preziosi	Negotiating before filing
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	1	Admin. Order/Penalty	SW	Tack	Negotiating before filing
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
1/29/99	Wareco Services, Inc.	6	Admin. Order/Penalty	UT	Wornson	Compliance nearly complete. Negotiating penalty.
2/01/99	Con Agra Frozen Foods		Tax Certification Denial	AQ	Preziosi	Negotiating before filing.
2/03/99	Super 20 Mobile Home Park	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Meeting held 2/12/99.
2/10/99	Bawden Printing		Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/23/99	Dennis Sharkey, Sr.	1	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3/01/99	Williamsburg Manufacturing	6	Admin. Order/Penalty	AQ	Preziosi	New case.
3/01/99	Lund Manufacturing	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	Engineering report submitted 5/99.
3/04/99	Paris & Sons; Thomas Paris	1	Admin. Order/Penalty	WW/HC	Wornson	Negotiating before filing.
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WS	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WW	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion.
3/16/99	Des Moines Independent School	5	Site Registry	HC	Tack	Negotiating before filing.

3/18/99	District - North High School Ag Processing, Inc (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Hearing to be held 6/7/99.
3/22/99	Tiffin, City of	6	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Letter sent 3/30/99.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/31/99	Woolstock, City of	2	Admin. Order/Penalty	WW	Hansen	Compliance initiated by City.
3/31/99	Westside Park for Mobile Homes	6	Admin. Order/Penalty	WW	Hansen	Settled. Awaiting penalty payment.
4/02/99	Des Moines, City of	5	Admin. Order/Penalty	WW	Murphy	Penalty paid. Closed.
4/04/99	Dean Larsen (Martin Marietta)		Permit Issuance	WR	Clark	Hearing set for 6/22/99.
4/08/99	Fayette County Sanitary Landfill	1	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
4/09/99	Ivan Stoltzfus	5	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
4/12/99	Sioux Co Board of Supervisors (Orange City Dairy)	3	Construction Permit Issuance	AFO	Clark	EPC decision 5/17/99.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer pending.
4/15/99	Shine Bros. Corp.		SWA Denial	SW	Tack	Settlement offer pending.
4/15/99	Shenandoah, City of	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Will monitor performance through 5/99.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
4/28/99	Mid-County Water, Inc.	1	Admin. Order/Penalty	WS	Hansen	WS informed Dept. sampling will be done as required during appropriate sampling period (June 1997).
4/30/99	Anthony's Resort	1	Admin. Order/Penalty	WS	Hansen	WS hired engineer to do engineering report with recommendations for correcting WS deficiencies.
5/06/99	Hargrave McEleney, Inc.	6	Admin. Order/Penalty	WS	Hansen	New case. Amended order to be issued.
5/12/99	Lehigh Portland Cement Co 99-A-225	2	Construction Permit Conditions	AQ	Preziosi	New case.
5/12/99	Lehigh Portland Cement Co A-179	2	Construction Permit Conditions	AQ	Preziosi	New case.
5/18/99	Grandma's Snack Shack	2	Admin. Order/Penalty	WS	Murphy	New case.
5/18/99	Horsley Specialties, Inc.	5	Admin. Order/Penalty	AQ	Preziosi	New case.
5/18/99	Snap-On-Tools Co.	2	Admin. Order/Penalty	AQ	Preziosi	New case.
5/28/98	Flying J Inc.	5	Admin. Order/Penalty	WW/UT	Murphy	New case.

Mr. Valde presented the routine monthly reports.

Elizabeth Christiansen asked in regard to the Hazardous Conditions Report if it is normal for incidents to double from March to May each year.

Susan Dixon, Emergency Response Section, stated that the increase at that time is typical because farmers are getting out in their fields more at that time and with the weather conditions more spills occur.

Rozanne King asked about the settlement proposal shown on the Contested Case Report for Grand Labs.

Mr. Murphy stated that it was a settlement in terms of the case, and not a dollar amount, as there was no penalty.

Chairman Ehm asked when the department would know about the decision on the DeCoster Supreme Court case.

Mr. Murphy stated that it could take from 2 - 6 months.

INFORMATIONAL ONLY
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## REGISTRY OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCE DISPOSAL SITES AND HAZARDOUS WASTE REMEDIAL FUND ANNUAL REPORT

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Section 455B.427 of the Code of Iowa requires the Director of the Department of Natural Resources to transmit a report to the General Assembly and the Governor each January 1st regarding those sites listed on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites.

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Section 455B.425 of the Code of Iowa requires the Director of the Department of Natural Resources to give a full account to the General Assembly and the Governor each January 1st regarding the Hazardous Waste Remedial Fund.

The 1998 report has been prepared to fulfill both of these obligations. This report will be submitted to the General Assembly and the Governor after the June 1999 Commission meeting. The report will be distributed at the Commission meeting.

Mr. Valde stated that the Code requires this report to be submitted by January 1 of each year and it was overlooked this year, so the department is now submitting it. Susan Dixon noted that no new sites were added this year and most of the sites have active remediation taking place.

<b>INFORMATIONAL ONLY</b>
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**AGREEMENT WITH DEPARTMENT OF ECONOMIC DEVELOPMENT - SMALL BUSINESS LIAISON FOR AIR QUALITY AFFAIRS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve agreement between the Department and the Iowa Department of Economic Development (IDED). This agreement establishes the Small Business Liaison for Air Quality (SBLAQ), which is the ombudsman component of the Small Business Assistance Program as required by Section 507 of the Clean Air Act (Act).

SBLAQ serves as a non-regulatory contact for Iowa small businesses seeking information and assistance related to fulfilling their air quality responsibilities; mediates concerns between Iowa's small businesses and the Department; and evaluates air quality regulations for adverse impact on small businesses and ensures that they are understandable.

The agreement is for the period of July 1, 1999 through June 30, 2000. The agreement establishes four fixed equal payments from the air contaminant fund, totaling \$81,851.

**MEMORANDUM OF AGREEMENT**  
**between**

**IOWA DEPARTMENT OF NATURAL RESOURCES  
and  
IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT**

**Agreement Number: 2000-7230-04**

**Agreement Title:** Small Business Ombudsman Program Pursuant to Section 507 of the Clean Air Act Amendments of 1990

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**Agreement Amount:** \$80,851

**Time of Performance:** July 1, 1999, through June 30, 2000

**Submit Original Invoice and two copies to:**

Mark Slatterly  
Iowa Department of Natural Resources  
Wallace State Office Building  
Des Moines, IA 50319-0034  
ATTN: Budget and Grants Bureau

**Issue Payment to:**

Iowa Department of Economic Development  
Capitol Complex  
200 E. Grand Ave.  
Des Moines, Iowa 50319

The Department of Economic Development agrees to deliver all products and perform all services set forth in the attached Conditions for the consideration stated herein. The rights and obligations of the parties to this agreement shall be subject to and governed by the Conditions in this memorandum of agreement. This agreement contains ten articles.

IN WITNESS THEREOF, the parties hereto have executed this agreement on the day and year last specified below.

DEPARTMENT OF ECONOMIC DEVELOPMENT

DEPARTMENT OF NATURAL RESOURCES

By: \_\_\_\_\_  
David J. Lyons, Director

By: \_\_\_\_\_  
Paul W. Johnson, Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

This agreement was approved, as required by Subsection 455B.105(7) of the Code of Iowa, by the Environmental Protection Commission on \_\_\_\_\_, 1999.

**CONDITIONS**

**ARTICLE I - IDENTIFICATION OF PARTIES**

This agreement is entered into by and between the Iowa Department of Natural Resources (hereinafter referred to as Department or IDNR) and the Iowa Department of Economic Development (hereinafter referred to as IDED).

ARTICLE II - PURPOSE

This agreement is entered into for the purpose of funding an ombudsman for small business stationary sources pursuant to Section 507 of the Clean Air Act Amendments of 1990 (hereinafter CAAAs). This will be one component of the state small business stationary source technical and environmental compliance assistance program for Iowa. The IDED shall designate at least one full-time equivalent, titled Small Business Liaison for Air Quality (hereinafter SBLAQ), whose sole responsibility is to execute the terms and conditions of this agreement. ~~Additional duties of the SBLAQ will include any project agreed upon by both~~ IDED and IDNR with mutual benefits to the Air Quality Bureau and small businesses. The SBLAQ is to work with officials from the Air Quality Bureau, Local Programs, and Iowa Air Emissions Assistance Program to ensure small business have the ability to comply with air quality regulations.

ARTICLE III - DUTIES AND ACTIVITIES

Any activities performed outside the scope of the agreement, must be reviewed and approved by IDNR prior to initiating activity. All activities undertaken by the IDED must be related to small business stationary sources, as defined by Sec. 507(c)(1) of CAAA.

3.1 IDED shall notify small businesses of their obligations under CAAA, and implement a marketing initiative to promote the SBLAQ. The marketing initiative shall also inform small businesses of their requirements to obtain construction permits, the availability, benefits, and limitations of the small source operating permit (50% rule) and the requirements of facilities subject to National Emission Standards for Hazardous Air Pollutants (NESHAPs) for small (area) sources, including the Asbestos NESHAP.

3.2 IDED shall develop and disseminate reports and advisory opinions regarding air quality issues affecting small businesses. Reports and advisory opinions must comply with the special requirements outlined in Article V.

3.3 IDED shall help to ensure that air quality information distributed to the regulated public and air quality rules affecting small businesses is understandable.

3.4 IDED shall refer small businesses to the Iowa Air Emission Assistance Program (IAEAP) to obtain information and assistance on affordable alternative technologies, process changes, products, and operational methods.

3.5 IDED shall provide written comment, as appropriate, during state air quality rule development and promulgation, with emphasis on impacts to small business stationary sources.

3.6 IDED shall render advisory opinions to IDNR on the effectiveness of the small business assistance program.

3.7 IDED shall monitor the IAEAP and evaluate their overall performance and effectiveness.

3.8 IDED shall provide an annual estimate the economic impacts of compliance with the CAAA on small businesses. This shall be accomplished through a survey to small businesses that have worked in conjunction with the IAEAP program at the University of Northern Iowa.

3.9 IDED will attempt to resolve complaints and disputes, as they pertain to air quality issues, between small businesses and IDNR, local air pollution control agencies, or IAEAP.

3.10 IDED shall develop and maintain a database of facilities contacted to include, but not limited to, the following: company, address, phone number, and business description. This database shall be used by IDED to collect summary statistics for the purposes of reporting activities required under this Agreement.

3.11 **Quarterly Meetings.** Quarterly meetings shall be held among IDNR, IAEAP, and IDED to discuss progress toward the development of a comprehensive small business assistance program.

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3.12 **Web Site.** IDED shall maintain a web site describing services and assistance the SBLAQ provides, and providing information notifying small businesses of their obligations under the CAAA.

#### ARTICLE IV - REPORTS

4.1 **Quarterly Report.** The IDED shall submit to IDNR written reports on a quarterly basis describing the work activities for the months preceding each report, according to the schedule set forth in Article 4.2. Reports shall include, but not be limited to:

- a. Progress toward each activity to include: outreach, training, education, rule review, and complaint resolution;
- b. Any problems encountered in achieving the activities;
- c. Training completed by the SBLAQ during the reported quarter;
- d. Number of complaints received and acted upon and;
- e. Estimated number of small business facilities contacted through outreach activities during reporting period.

4.2 **Schedule.** Quarterly reports due to IDNR on or before:

<u>Reporting Period</u>	<u>Reports Due</u>
July 1 - September 30, 1999	October 15, 1999
October 1 - December 31, 1999	January 15, 2000
January 1 - March 31, 2000	April 15, 2000
April 1 - June 30, 2000	July 15, 2000

4.3 **Draft Budget Report and Workplan.** On or before February 15, 2000, IDED shall submit to IDNR a draft workplan and an itemized draft budget for the period of July 1, 2000 through June 30, 2001. The draft budget shall include a written justification for the line items proposed.

4.4 **Final Budget Report.** On or before April 1, 2000, IDED shall submit to IDNR an itemized final budget for the period of July 1, 2000 through June 30, 2001. Budget shall include explanations for any revisions made to the draft budget report.

4.5 **Initial Agreement Review.** On or before April 1, 2000, IDED shall provide to IDNR any proposed changes (deletions, revisions, and additions) to the draft Memorandum of Agreement. Justification must be provided for any change in the draft Memorandum of Agreement.

4.6 **Final Agreement Review.** On or before May 15, 2000, the IDED shall submit to IDNR any comments on the final draft Memorandum of Agreement.



**4.7 Audit Report.** On or before July 15, 2000, the IDED shall submit an audit report to IDNR evaluating Iowa Air Emissions Assistance Program's (IAEAP) performance providing services to small businesses. This report shall include an evaluation and suggestions for improvements in the following areas:

- a. information provided on compliance methods and technologies;
- b. assistance in pollution prevention and accidental release prevention/detection;
- c. compliance assistance, to include assisting with applications for construction permits, and small source and voluntary operating permits;
- d. notification to small businesses of obligations and audit options under CAAA.

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**4.8 Economic Impact Report.** The IDED shall submit to IDNR a written report on July 15, 2000, providing an annual estimate the economic impacts of compliance with the CAAA on small businesses (as required in Article 3.8 above).

#### ARTICLE V - SPECIAL REQUIREMENTS

5.1 IDED shall place the following statement on the cover page of all non-financial reports, or other informational material prepared pursuant to this agreement. This statement shall not be necessary on any quarterly or annual status reports submitted to IDNR as required by this agreement, provided such reports are not also being used as part of a public information program.

"The publication of this document has been funded in part by the Iowa Department of Natural Resources."

5.2 All information generated by the terms and conditions of this agreement shall become the property of the State of Iowa.

5.3 IDED shall submit to IDNR an original unbound copy of each non-financial document or report prepared under this agreement. Any written or electronic informational report, advertisement, or material concerning the air quality program or the small business ombudsman program pursuant to Section 507 of CAAA shall be submitted in same fashion to IDNR for consultation prior to release.

#### ARTICLE VI - IDNR RESPONSIBILITIES

6.1 The IDNR shall consult with IDED in the development of written or electronic publications and informational materials, other than financial reports, developed for public distribution by IDED under this agreement.

6.2 Within 15 days of receipt, IDNR shall review each written or electronic non-financial, informational document or report submitted to IDNR by IDED. IDNR shall provide comments based on its review.

6.3 IDNR shall facilitate and participate in quarterly meetings with IDED and IAEAP representatives.

6.4 IDNR shall provide IDED with draft copies of all proposed air quality rules for review and comment prior to commencement of formal rulemaking processes.

**6.5 Initial Draft Memorandum of Agreement.** By March 1, 2000, IDNR shall submit to IDED the initial draft Memorandum of Agreement for the period of July 1, 2000 through June 30, 2001. IDNR shall provide written justification for changes made to the Memorandum of Agreement.

6.6 **Final Draft Memorandum of Agreement.** By May 1, 2000, IDNR shall submit to IDED the final draft Memorandum of Agreement for the period of July 1, 2000 through June 30, 2001. The IDNR will also review and provide comment on the workplan, comments, and budget report submitted by the IDED.

6.7 IDNR shall provide IDED with a schedule of deadlines established in the Clean Air Act. IDNR will inform IDED when revisions are made to that schedule.

6.8 IDNR will inform IDED of policy changes that may potentially impact small businesses.

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6.9 IDNR shall provide access to training videos, workshops, and site visits to IDED as a development tool for the SBLAQ

#### ARTICLE VII - DESIGNATION OF OFFICIALS

7.1 IDNR - Paul W. Johnson, Director of the Department, shall be the official authorized to execute any changes in terms, conditions, or amounts specified in this agreement. Michael Valde, Environmental Protection Division Administrator, and Peter Hamlin, Chief of the Air Quality Bureau, are designated by the Director to negotiate, on behalf of the Department, and subject to the approval of the Director, any changes to this agreement.

7.2 IDED - David J. Lyons, Director of the Department, shall be the official authorized to execute any changes in terms, conditions, or amounts specified in this agreement. Bob Henningsen, National Marketing Division Administrator is designated by the Director to negotiate, on behalf of the Department, and subject to the approval of the Director, any changes to this agreement.

7.3 The above-named officials shall represent their respective agencies in all matters necessary to the successful completion of this agreement.

#### ARTICLE VIII - TIME OF PERFORMANCE

This agreement shall be effective on July 1, 1999, or the date signed, whichever is later. Performance by IDED shall commence on July 1, 1999, or the signed date of the Director of the Iowa Department of Economic Development, whichever is later. The performance required herein shall be completed by June 30, 2000, with the exception of the three reports due on or before July 15, 2000.

#### ARTICLE IX - CONDITIONS OF PAYMENT

9.1 This agreement is entered into on a fixed price basis. IDED shall be paid for the satisfactory completion of work outlined in Articles III and IV according to the schedule stated in Article X.

9.2 For each payment due under this agreement, IDED shall submit an original and two (2) copies of its invoice. No claim shall be allowed by the Department of Revenue and Finance when such claim is presented after the lapse of three months from its accrual (Section 421.38, Code of Iowa, special provisions of law excepting).

9.3 IDNR shall not process payment for items of work or service that, in the determination of IDNR, do not meet the specifications of Articles III or IV of the Conditions. If the item of work or service is resubmitted by a date agreed to by IDNR and IDED, and is determined by the Director to be satisfactorily completed, payment shall be processed.

9.4 Either agency may terminate this agreement upon written notice, signed by the director of the agency terminating the agreement. Termination of this agreement may only be exercised to coincide with the end of the state fiscal year. Written intent to terminate this agreement must be provided to the other agency not later than sixty (60) calendar days prior to July 1.

ARTICLE X – **AGREEMENT PAYMENT SCHEDULE**

<b>Date</b>	<b>Payment Amount Due</b>
September 30, 1999	\$20,212.75
December 31, 1999	\$20,212.75
March 31, 2000	\$20,212.75
June 30, 2000	\$20,212.75

Mr. Valde reviewed details of the agreement.

*Motion was made by Rozanne King to approve the Agreement with Department of Economic Development for Small Business Liaison for Air Quality Affairs. Seconded by Terrance Townsend.*

Discussion followed regarding the agreement having previously been with the Ombudsman Office.

Linda King, DED, stated that it was originally with the Ombudsman Office but has been with DED for the past several years. She related that she would be glad to provide the Commission with a report on what has occurred over the years.

Gary Priebe questioned Item 1, on page 4, stating that Dave Lyons or Paul Johnson can execute any changes in terms, conditions, or amounts. Linda King explained that DED submits a budget request to DNR and once in a while another project may require additional funding and that item provides the flexibility to do that.

*Vote on the motion carried unanimously.*

**APPROVED AS PRESENTED**

**INTERAGENCY AGREEMENT FOR THE LINN COUNTY AIR QUALITY DIVISION PROGRAM**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Linn County Board of Health. This agreement sets forth each agency's

role in the ongoing implementation of the Linn County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Linn County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.

The agreement is for the period of July 1, 1999 through June 30, 2000. The agreement establishes fixed payments, totaling \$326,626, variable amount, totaling \$157,300, and a one-time amount, totaling \$20,000. Maximum contract amount is \$503,926. This contract is funded by the air contaminant fund, \$378,051, 105 federal grant, \$90,875, and 103 federal grant, \$35,000.

(A copy of the agreement is on file in the department's Records Center)

Mr. Valde gave a brief explanation of the contract.

Discussion followed in regard to ownership of the equipment, costs for monitoring, and Title V Fees.

*Motion was made by Rozanne King to approve the Agreement with Linn County for the Air Quality Program as presented. Seconded by Rita Venner. Motion carried with Elizabeth Christiansen abstaining due to a conflict of interest.*

**APPROVED AS PRESENTED**

## **INTERAGENCY AGREEMENT FOR THE UNIVERSITY OF IOWA HYGIENIC LAB**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the University of Iowa Hygienic Lab. This agreement sets forth each agency's role in determining the quality of air in the State of Iowa.

The duties of the University of Iowa Hygienic Lab staff involve maintaining an ambient air monitoring network, providing field and laboratory services in support of air pollution control programs, and summarizing and reporting air quality data.

The agreement is for the period of July 1, 1999 through June 30, 2000. The agreement establishes four fixed equal payments totaling \$1,064,422, a variable amount totaling \$186,000, and a one-time agreement amount totaling \$30,000. A combination of federal 105 and 103 grants, Title V fees, and state appropriations provide funds for this agreement.

(A copy of the agreement is on file in the department's Records Center)

Mr. Valde reviewed details of the agreement.

Discussion followed regarding an increase in costs over the years as well as an increase in the monitoring frequency.

*Motion was made by Terrance Townsend to approve the agreement with University of Iowa Hygienic Lab for the Air Quality Program as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **EMERGENCY RULE AND NOTICE OF INTENDED ACTION--CHAPTER 135, UNDERGROUND STORAGE TANKS (MTBE)**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Director requests the Commission to adopt emergency and give notice of intended action for the enclosed amendments to Chapter 135. The amendments establish the requirements for analyzing for methyl tertiary-butyl ether (MTBE) in soil and water samples collected as part of investigations and corrective action at underground storage tank sites. The rule is needed to implement 1999 Iowa Acts House File 772, Section 15(4)“c” which becomes effective July 1, 1999.

Section 15, paragraph 4“c” of House File 772 requires the analyses for MTBE as part of the soil and groundwater monitoring that is being conducted at contaminated underground storage tank sites. The department must provide updates to the interim committee established by HF 772 and report findings and recommendations of the testing to the 2000 Session of the General Assembly. In order to meet these obligations, it is impractical to go through notice and public participation prior to implementing MTBE analysis. Providing Notice of Intended Action subsequent to the emergency adoption will allow public comment without delaying implementing analysis for MTBE.

### **ENVIRONMENTAL PROTECTION COMMISSION[567] Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.474, the Environmental Protection Commission proposes to amend Chapter 135, "Technical Standards and Corrective Action Requirements of Owners and Operators of Underground Storage Tanks," Iowa Administrative Code by adding new rule 135.19.

This amendment was Adopted and Filed Emergency effective July 1, 1999 and is published herein as **ARC \*\*\*\*\***. The amendment establishes in rule the requirements for analyzing soil and groundwater samples for the presence of methyl tertiary-butyl ether (MTBE) as required by 1999 Iowa Acts, H.F. 772, section 15(4)“c”. The content of that submission is incorporated by reference.

The Department is providing an opportunity for public comment to the emergency adopted rule. ~~Any interested person may submit written comments on the proposed rule amendment on or before August 3, 1999.~~ Written comments should be sent to the Iowa Department of Natural Resources, Attn. Jim Humeston, Wallace State Office Building, Des Moines, IA 50319.

This amendment is intended to implement 1999 Iowa Acts, House File 772.

This rule may have an impact on small businesses as provided in Iowa Code section 17A.31.

### **ENVIRONMENTAL PROTECTION COMMISSION[567] Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 455B.474, the Environmental Protection Commission proposes to amend Chapter 135, "Technical Standards and Corrective Action Requirements of Owners and Operators of Underground Storage Tanks," Iowa Administrative Code by adding new rule 135.19.

This amendment establishes requirements for analyzing for methyl tertiary-butyl ether (MTBE) in soil and water samples collected as part of investigations and corrective action at underground storage tank sites with petroleum contamination. This change is needed to implement 1999 Iowa Acts, House File 772 which becomes effective July 1, 1999.

1999 Iowa Acts, House File 772, Section 15, paragraph 4“c” requires; “At sites where groundwater or soil monitoring is required, pursuant to section 455B.474, subsection 1, paragraph "d", "f", or "h", the department of natural resources shall require that monitoring include testing for the presence of methyl tertiary-butyl ether from the locations where other sample analyses are required. The department shall provide regular updates to the interim committee established in paragraph "b" as required by the interim committee. The department shall report the findings and recommendations of the testing to the general assembly prior to the 2000 Session of the Seventy-eighth General Assembly.” The provision is effective July 1, 1999.

In compliance with Iowa Code section 17A.4(2), the commission finds that notice and public participation are impractical because of the requirements of H.F. 772 and the immediate need to implement the new provision in order to provide the information to the interim committee and report findings and recommendations to the 2000 Session of the Seventy-eighth General Assembly. This additional sampling procedure does not require any additional field work than would otherwise be required. Analytical costs could double based on a limited survey of private laboratories. The additional MTBE analytical work may exceed the capacity of some private laboratories.

In compliance with Iowa Code section 17A.5(2)"b"(1), the Commission finds that the normal effective date of the amendment should be waived and this amendment should be effective July 1, 1999, which is the effective date of H.F. 772, section 15(4)"c".

This amendment is also published herein under Notice of Intended Action as **ARC** to allow for public comment. This emergency filing permits the commission to implement the new provision of the law.

This amendment is intended to implement 1999 Iowa Acts, House File 772.

~~This rule may have an impact on small businesses as provided in Iowa Code section 17A.31.~~

This amendment becomes effective July 1, 1999.

Amend Chapter 135 by adding the following new rule 135.19 as follows:

**567--135.19 (455B) Analyzing for methyl tertiary-butyl ether (MTBE) in soil and groundwater samples.**

**135.19(1) General.** The objective of analyzing for MTBE is to determine its presence in soil and water samples collected as part of investigation and remediation of contamination at underground storage tank facilities.

**135.19(2) Required MTBE testing.** Soil and water samples must be analyzed for MTBE when collected for risk-based corrective action as required in rules 135.8(455B) through 135.12(455B). This includes but is not limited to:

a. Risk-based corrective action (RBCA) evaluations required for Tier 1, Tier 2, and Tier 3 assessments and Corrective Action Design Reports.

b. Site monitoring.

c. Site remediation monitoring.

**135.19(3) MTBE testing not required.** Soil and water samples for the following actions are not required to be analyzed for MTBE:

a. Closure sampling under rule 135.15 unless Tier 1 or Tier 2 sampling is being performed.

b. Site checks under subrule 135.7(3) unless Tier 1 or Tier 2 sampling is being performed.

**135.19(4) Reporting** The analytical data must be submitted in a format prescribed by the department.

**135.19(5) Analytical methods for methyl tertiary-butyl ether (MTBE).** When having soil or water analyzed for MTBE from contamination caused by petroleum or hazardous substances, owners and operators of UST systems must use a laboratory certified under 567--Chapter 83 for petroleum analyses. In addition they must ensure all soil and water samples are properly preserved and shipped within 72 hours of collection to a laboratory certified under 567---Chapter 83 for petroleum analyses.

a. Sample preparation and analysis shall be by:

(1) GC/MS version of OA-1, "Method for Determination of Volatile Petroleum Hydrocarbons (gasoline)," revision 7/27/93, University Hygienic Laboratory, Iowa City, IA, or;

(2) US Environmental Protection Agency Method 8260B, SW-846, "Test Methods for Evaluating Solid Waste," Third Edition.

b. Laboratories performing the analyses must run standards for MTBE on a routine basis, and standards for other possible compounds like ethyl-tertiary butyl ether (ETBE), tertiary-amyl methyl ether (TAME), diisopropyl ether (DIPE), and tertiary-butyl alcohol (TBA) to be certain of their identification should they be detected.

c. Laboratories must run a method detection limit study and an initial demonstration of capability for MTBE. These must be kept on file.

d. The minimum detection level for MTBE in soil is 15 ug/kg. The minimum detection level for MTBE in water is 15 ug/l.

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Mr. Valde stated that HF 772 which passed in the last legislative session requires that the department require testing for MTBE at contaminated UST sites. He related that these rules cover the implementation of that requirement.

*Motion was made by Rozanne King to approve Emergency Rule and Notice of Intended Action-- Chapter 135, Underground Storage Tanks (MTBE analyses). Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **AGREEMENT WITH IOWA WASTE REDUCTION CENTER - IOWA AIR EMISSION ASSISTANCE PROGRAM**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve agreement between the Department and the Iowa Waste Reduction Center (IWRC). This agreement establishes Iowa Air Emission Assistance Program (IAEAP), which is the technical assistance component of the Small Business Assistance Program as required by Section 507 of the Clean Air Act (Act).

IAEAP assists small businesses with air permitting requirements, emission estimations, and determination of regulatory status and compliance requirements. They also provide small businesses with on-site visitations for compliance and pollution prevention assistance, and information concerning alternative technologies, process changes, procedures and methods of operation that help reduce air pollution.

The agreement is for the period of July 1, 1999 through June 30, 2000. The agreement establishes four fixed equal payments from the air contaminant fund, totaling \$361,000.

## **IOWA DEPARTMENT OF NATURAL RESOURCES**

### **AGREEMENT NUMBER 2000-7230-01**

**With**



**UNIVERSITY OF NORTHERN IOWA  
IOWA WASTE REDUCTION CENTER**

**Agreement Title:** Small Business Assistance Program Pursuant to Section 507 of the Clean Air Act Amendments of 1990

**Agreement Amount:** \$361,000

**Time of Performance:** July 1, 1999 to June 30, 2000

**Submit Original Invoice and two copies to:**

Mark Slatterly  
Department of Natural Resources  
Wallace State Office Building  
Des Moines, IA 50319-0034  
ATTN: Budget and Grants Bureau

**Issue Payment to:**

University of Northern Iowa  
Office of Grants and Contracts  
Cedar Falls, Iowa 50614  
Federal Employer ID# 42-6004333

The University of Northern Iowa agrees to deliver all supplies and perform all services set forth in the attached Special Conditions for the consideration stated herein. The rights and obligations of the parties to this agreement shall be subject to and governed by the Special Conditions and General Conditions. To the extent of any inconsistency between the Special Conditions or the General Conditions and any specifications or other conditions which are made a part of this agreement, by reference or otherwise, the Special Conditions and General Conditions shall control. To the extent of any inconsistency between the Special Conditions and the General Conditions, the Special Conditions shall control. This agreement contains 11 articles.

IN WITNESS THEREOF, the parties hereto have executed this agreement on the day and year last specified below.

UNIVERSITY OF NORTHERN IOWA

DEPARTMENT OF NATURAL RESOURCES

By: \_\_\_\_\_  
Edward M. Ebert  
Grants and Contracts Administrator

By: \_\_\_\_\_  
Paul W. Johnson  
Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

This agreement was approved, as required by Subsection 455B.105(7) of the Code of Iowa, by the Environmental Protection Commission on \_\_\_\_\_, 1999.

(A copy of the Special Conditions and General Conditions is on file in the department's Records Center)

Mr. Valde explained the contract in detail.

Chairman Ehm asked if the center will help businesses with writing their permits.

Mr. Valde responded affirmatively.

*Motion was made by Rozanne King to approve the Agreement with Iowa Waste Reduction Center for the Air Emission Assistance Program. Seconded by Kathryn Murphy.*

Rita Venner asked if there is any reporting requirements by UNI.

Mr. Valde stated that UNI will submit quarterly written reports.

Rozanne King asked if the department has other contracts with the Iowa Waste Reduction Center.

Mr. Valde replied that the department has a solid waste program contract, and another air contract as well as the waste reduction program. He stated that he will provide the Commission with a briefing next month on a listing of the department's agreements with the IWRC, CHEEC, and Leopold Center.

*Vote on the motion carried unanimously.*

**APPROVED AS PRESENTED**

## **REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Spillway Supper Club; Ada Waterman (Harpers Ferry) – penalty collection
- b. Markley Knock, dba Knock Building Supply (Parkersburg) penalty collection
- c. Ray Stamper and Bryan Zenor (Des Moines) – penalty collection

### **Spillway Supper Club**

Mr. Murphy briefed the Commission on the history of this case involving the failure to pay a water supply fee and a penalty.

*Motion was made by Terrance Townsend for referral to the Attorney General's Office. Seconded by Kathryn Murphy. Motion carried unanimously.*

**REFERRED**

### **Markley Knock, dba Knock Building Supply**

Mr. Murphy briefed the Commission on the history of this case involving illegal open burning and open dumping.

Brief discussion followed.

*Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Elizabeth Christiansen. Motion carried unanimously.*

**REFERRED**

### **Ray Stamper and Bryan Zenor**

Mr. Murphy briefed the Commission on the history of this case involving illegal dumping of solid waste.

*Motion was made by Rita Venner for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.*

**REFERRED**

### **USGS HYPOXIA STUDY**

Lyle Asell, Special Assistant for Agriculture and the Environment, presented the following item.

#### **Gulf of Mexico Hypoxia Assessment**

A large area of seasonally depleted oxygen levels ( $<2$  mg/L) has been observed in the Gulf of Mexico. These levels of oxygen impact aquatic species. Oxygen depletion begins in late spring and reaches a maximum in mid-summer and then declines by fall. The size of this hypoxic zone varies among years, however, a peak was reached after 1993 and has remained nearly constant through 1997. The cause of the hypoxic zone has been linked to over-enrichment from nutrient

sources. One of the primary questions in the Mississippi River Basin has been relative to sources, potential reductions, and economic impact of changes in nutrient loads within the basin.

### **Assessment Process**

A series of 6 reports were commissioned to address the hypoxic problem and potential solutions. These reports are:

1. Characterization of hypoxia
2. Ecological and economic consequence of hypoxia
3. Flux and sources of nutrients in the Mississippi-Atchafalaya Basin
4. Effects of reducing nutrient loads to surface waters within the Mississippi River basin and Gulf of Mexico.
5. Reducing nutrient loads, especially nitrate-nitrogen, to surface water, ground water, and the Gulf of Mexico
6. Evaluation of economic costs and benefits of methods for reducing nutrient loads to the Gulf of Mexico

### **Results**

Results of these studies are based on observations of data available within the Mississippi River basin. These studies cover a range of scales from small plot to watershed scale research and include observations from monitoring stations along streams and rivers within the basin. The findings from these observations are presented in a summary form.

#### Sources of Nutrients

- Nitrate concentrations in the Mississippi River are 2-5 times higher than a century ago.
- Nitrate flux from the Mississippi River basin averages 1.6 million metric tons per year and 3 times higher than 30 years ago.
- The largest increase in nitrate flux occurred between 1970 and 1983.
- Since 1980, the nitrate flux has been variable due to variability in annual precipitation.
- Principal sources of nitrate are the intense agricultural areas in southern Minnesota, Iowa, Illinois, Indiana, and Ohio.
- Iowa and Illinois contribute about 35% of the total nitrate load to the Mississippi River basin.
- Annual flux of phosphorus to the Gulf of Mexico is 136,000 metric tons per year and silica is 2.1 million metric tons per year.
- Agricultural areas are the largest source of nitrate followed by municipal and industrial sources. Phosphorus losses are largest from municipal and industrial followed by agricultural sources. Phosphorus losses are largest from municipal and industrial followed by agricultural sources.

#### Potential Measures to Reduce Nutrient Loads

- On-farm practices should be implemented to reduce nitrate discharges by 15-20%. These practices include reductions in fertilizer application, optimum timing of nitrogen application, use of alternative crop rotations, increased spacing distance on subsurface drains, and improved management of manures as a nutrient source.

- Restore or create 24 million acres of riparian zones and wetlands to reduce nitrogen in Mississippi River basin.
- Develop a strategy for the effective placement of wetlands in agricultural areas in order to maximize their effectiveness in nitrate removal, especially in subsurface drained soils.
- Continue to reduce the loss of nitrate from municipal sources.
- Evaluate diversions along the Mississippi River for more effective nitrate removal from water.

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**Information Sources**

These reports are available at [http://www.nos.noaa.gov/Products/pubs\\_hypox.html](http://www.nos.noaa.gov/Products/pubs_hypox.html)

Mr. Asell distributed copies of the above paper entitled "Gulf of Mexico Hypoxia Assessment. He stated that hypoxia is the low oxygen zone in the Gulf of Mexico and this is one of many hypoxic zones around the world. He noted that there are six reports out that deals with hypoxia and some of the implications show high nitrate levels coming from Iowa and Illinois. He related that Iowa and Illinois may account for about 35% of the nitrates in the Gulf of Mexico. Mr. Asell stated that this will be quite controversial. He noted that one of the recommendations is to reduce nitrogen contribution by 15 - 20 % and he expanded on how that could be done through better management and the restoration of wetlands. Other significant findings are that just less than 10% of the nitrates ending up in the Gulf come from urban areas. He related that the Governor has asked the DNR to co-chair a committee with the Department of Agriculture to provide the State of Iowa's comments on the hypoxia reports. He noted that the committee's report will be completed by August and submitted to EPA and the NOAA.

<b>INFORMATIONAL ONLY</b>
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**GENERAL DISCUSSION**

Rozanne King asked if the Commission could do the aquifer tour with the Des Moines Works in the morning and move the meeting to the afternoon. She suggested the possibility of also visiting UT Tire Company.

Brooke Timmons, DMWW, stated that the tour would take approximately 1 1/2 hours and if the Commission would like to meet at the Water Works at 9:30 a.m., transportation would be provided to and from the aquifer site.

Consensus of the Commission was to do the tour in the morning beginning at 9:30 a.m., and to hold the meeting in the afternoon beginning at 1:00 p.m.

Rozanne King also suggested considering for a future tour a visit to a dairy called Milk Unlimited, located near Atlantic. She related that it is a state of the art computerized facility and they are one of the first facilities to use an anaerobic lagoon for waste. She noted they are close to the Wallace Foundation at Lewis, which might be a good location for the meeting. Commissioner King will follow up on the possibility of scheduling the Commission for a future meeting/tour there.

Chairman Ehm asked about the possibility of visiting a utility where they do stack tests.

Director Johnson commented that stack testing information could be provided just as well through a video/verbal presentation by Pete Hamlin. He suggested also including a short discussion on air toxics and possible associated health hazards, adding that it could be done at the August or September meeting.

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Terrance Townsend and Elizabeth Christiansen both related they would like to hear from staff on the French Creek issue discussed during public participation.

Deputy Director, Larry Wilson, commented that the department has received a few letters of concern and has provided some personal presentations for the commissions on the issue of the facility being located so close to a high quality trout stream. He added that there are criteria that have to be followed. He told about a proposed confinement that was going to be placed close to Steele Prairie and the department met with the operators of the facility and they agreed to move further West into a different watershed. He related that those types of meetings with the owners of a proposed facility are helpful.

Discussion followed regarding the French Creek issue and insinuation of the permit being issued outside of the rules.

Mike Murphy stated that he will prepare details on the French Creek issue and report back to the Commission next month.

### **NEXT MEETING DATES**

July 19, 1999

August 16, 1999

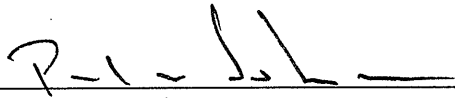
September 20, 1999

### **ADJOURNMENT**

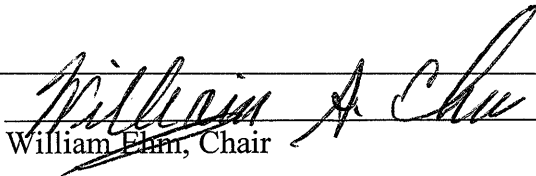
With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 12:30 p.m., Monday, June 21, 1999.

June 1999

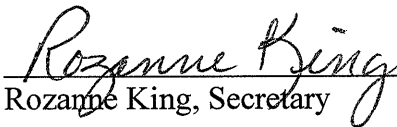
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Paul W. Johnson, Director



William Ehm, Chair



Rozanne King, Secretary

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